

**MARCH 2, 2006**

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FLOOR DEBATE

March 2, 2006            LB 1143  
                             LR 297

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK:     Good morning.     Welcome to the George W. Norris Legislative Chamber. Our chaplain of the day is Pastor John Henderson, who serves Burchard United Methodist Church and lives in Brock, Nebraska; Senator Heidemann's district. Pastor, please.

PASTOR HENDERSON:    (Prayer offered.)

SENATOR CUDABACK:    We thank you, Pastor Henderson, for being with us this morning. Appreciate your being here. Would call the thirty-seventh day of the Ninety-Ninth Legislature, Second Session, to order. Senators, please record your presence.

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY:    Please record, Mr. Clerk.

CLERK:    I have a quorum present, Mr. President.

PRESIDENT SHEEHY:    Thank you.     Are there corrections for the Journal?

CLERK:    I have no corrections, Mr. President.

PRESIDENT SHEEHY:    Messages, reports, or announcements?

CLERK:    Mr. President, I have two appointment letters from the Governor...I'm sorry, two appointees from the Governor. Those will be referred to Reference for referral to standing committee for confirmation hearing. Your Committee on Banking, Commerce and Insurance reports LB 1143 to General File with committee amendments attached, that report signed by Senator Mines. I have a series of confirmation reports from the Transportation Committee, signed by Senator Baker, as its Chair. I have the report of registered lobbyists this week, Mr. President, to be inserted, and a series of reports received in the office that will be available for member review. And finally, Mr. President, a new resolution, LR 297, offered by Senator Aguilar; that will be laid over. That's all that I have at this

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time. (Legislative Journal pages 845-848.)

PRESIDENT SHEEHY: Thank you. Do you have items for legislative confirmation reports?

CLERK: Mr. President, a series of reports: The first report this morning offered by Natural Resources involves the appointment of Marquis Reed Gilmore to the Oil and Gas Conservation Commission. (Legislative Journal page 775.)

PRESIDENT SHEEHY: Senator Schrock.

SENATOR SCHROCK: Mr. President, Mr. Lieutenant Governor, members of the Legislature, Marquis Reed Gilmore, or Marcus, I'm not sure--I maybe did that wrong, Mr. Clerk, but he goes by the name Reed, so we can solve that problem easy--is a reappointment to the Oil and Gas Conservation Commission. He is from Harrisburg, and because of his distance to Lincoln, the committee conducted his confirmation hearing via telephone conference on February 23. Reed is the oil and gas representative on the three-member commission. He was originally appointed to the Oil and Gas Conservation Commission in 1969. He served 15 years and then resigned because he moved to Colorado. Later he moved back to Nebraska, and in 2006 was reappointed to the commission. Reed received his undergraduate degree from the University of Texas. He's a founding member and co-manager of Antelope Energy Company, and the committee's vote to confirm Reed was unanimous. That concludes my report on Reed Gilmore.

PRESIDENT SHEEHY: Thank you, Senator Schrock. Is there discussion on the confirmation report, Natural Resources Committee? Seeing none, the question before the body is, shall the confirmation report from Natural Resources Committee be adopted? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 848-849.) 31 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

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PRESIDENT SHEEHY: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, I have a second report from the Natural Resources Committee, chaired by Senator Schrock. It involves the appointment of Eugene Bade--Bade, thank you, Senator--to the Nebraska Power Review Board. (Legislative Journal page 795.)

PRESIDENT SHEEHY: Senator Schrock.

SENATOR SCHROCK: Thank you, Mr. Lieutenant Governor, members of the Legislature. Gene is a reappointment to the five-member Power Review Board. He appeared before the committee on February 24 for his confirmation hearing. Gene was appointed two years ago to complete a former member's term, and was recently elected chairperson of the board. He is the accounting representative on the board. Gene is from Hastings, Nebraska; received his degree in accounting from Creighton University. He worked for KN Energy, now Kinder Morgan, for 15 years, where he served as the director of internal audit and later was corporate controller. During his employment with KN, he was exposed to training in rate making, and direct application of the process, and he experienced roll-out of deregulating gas sales activities on the KN system. Since 1996, Gene has served as firm administrator of Contryman Associates, P.C., in Grand Island. The committee's vote was 7 for and 1 absent to recommend approval of Eugene Bade to the Power Review Board.

PRESIDENT SHEEHY: Thank you, Senator Schrock. Is there discussion on confirmation report? Seeing none, Senator Schrock, would you like to close? Senator Schrock waives closing. The question before the body is, shall the legislative confirmation report from Natural Resources Committee be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 849.) 35 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT SHEEHY: Confirmation report, Natural Resources

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Committee, has been adopted. Next item, Mr. Clerk.

CLERK: Mr. President, a third report this morning offered by the Education Committee, chaired by Senator Raikes, involves the appointment of James Strand to the Coordinating Commission for Postsecondary Education. (Legislative Journal page 823.)

PRESIDENT SHEEHY: Senator Raikes.

SENATOR RAIKES: Thank you, Mr. President. Members of the Legislature, the Education Committee recommends your confirmation of the appointment of Mr. James Strand to the Coordinating Commission for Postsecondary Education. Mr. Strand is a reappointment to the commission. If confirmed, he would continue his service on the commission until January 1, 2011. Mr. Strand is a resident of Lincoln. He's a former telecommunications executive, having retired as market area president for Alltel in 2001. Mr. Strand has spent the majority of his professional career in the telecommunications industry. He held various management positions for the Lincoln Telephone Company and Aliant Communications prior to his retirement from Alltel. He began his work career as an employment counseling supervisor for the Nebraska Department of Labor in 1971. Mr. Strand was born in Columbus and is a graduate of York High School. From there, he attended the University of Nebraska-Lincoln, where he earned a bachelor's degree in psychology in 1969. He followed that with a master's degree in psychology from UNL in 1971. He went on to earn a master's of business administration degree also from UNL in 1981. In the way of a reminder, I'll mention that the Coordinating Commission is a constitutional entity that is charged with the general duty of coordinating higher education in Nebraska. As enumerated in Article VII, Section 14 of the constitution, coordination duties include the adoption of a comprehensive statewide plan, review and approval of postsecondary educational programs and capital construction projects, and review and, if necessary, modification of budget requests submitted by state higher education administering boards. The commission's statutory duties also include the identification and enactment of policies that meet the educational, research, and public service needs of the state, while at the same time avoiding unnecessary

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duplication of programs and facilities. The commission is composed of 11 members, each of whom is appointed by the Governor for a term of six years. Six members are chosen from districts of equal population, while the remaining five members are appointed on a statewide basis. Mr. Strand would fill the position of one of the statewide representatives. The Education Committee recommends your approval of...or your confirmation of this appointment. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Raikes. The floor is now open for discussion on confirmation reports from Education Committee. Seeing none, Senator Raikes, you're recognized to close. Senator Raikes waives closing. The question before the body is, shall confirmation report from the Education Committee be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 849-850.) 40 ayes, 0 nays, Mr. President, on the adoption of the confirmation report as offered by the Education Committee.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. (Visitors introduced.) Next item, Mr. Clerk.

CLERK: Mr. President, the fourth report this morning is offered by the Government, Military and Veterans Affairs Committee, chaired by Senator Schimek. It involves the appointment of Brian Tessman to the State Personnel Board. (Legislative Journal page 823.)

PRESIDENT SHEEHY: Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members of the body. The Government, Military and Veterans Affairs Committee wants to report favorably upon this appointment of Brian Tessman. We had the hearing on February 16. Mr. Tessman is a resident of Omaha, formerly of Hastings. He works for Harrah's in Council Bluffs and he graduated from Hastings College in Hastings with a B.A. in human resources management. He currently serves on the State Board, so he is a reappointment. He's in his sixth year. He also served four

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years on the city council and is currently serving on the Judicial Nominating Commission in Omaha. I'd be happy to answer any questions, but with that I would simply ask for the confirmation by this body of Brian Tessman to the State Personnel Board. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Schimek. You've heard the report from Government, Military and Veterans Affairs. Is there discussion on the floor? Seeing none, Senator Schimek, you're recognized to close. Senator Schimek waives closing. The question before the body is, shall the confirmation report from Government, Military and Veterans Affairs be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 850.) 29 ayes, 1 nay, Mr. President, on the adoption of the confirmation report.

PRESIDENT SHEEHY: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, the next confirmation report, offered by the Transportation and Telecommunications Committee, chaired by Senator Baker, involves a series of appointments to the State Highway Commission. (Legislative Journal page 831.)

PRESIDENT SHEEHY: Senator Baker.

SENATOR BAKER: Thank you, Mr. President and members. The group of appointments we're working on here first is the State Highway Commission. There were four reappointments: Duane Acklie from Lincoln, John Kingsbury from Ponca, Douglas Leafgreen from Gering, and Greg Wolford from McCook. As I said, they're all reappointments. If there's one thing that impressed the committee, rang true through all of these, is their dedication. Mr. Acklie has been on the Highway Commission from the early eighties, very seldom misses a meeting. I think Greg Wolford also said he had never missed a meeting. It went on and on. They're very dedicated public servants. I would...their appointment was recommended to be advanced by unanimous

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committee. Each one of them was either here or had representatives, and I would certainly ask the body to confirm their reappointments. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Baker. You've heard the confirmation report from Transportation and Telecommunications Committee. Floor is open for discussion. Seeing none, Senator Baker,...Senator Baker waives closing. The question before the body is, shall the confirmation report from Transportation and Telecommunications Committee be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 851.) 30 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT SHEEHY: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, the final confirmation report of the morning involves an appointment to...of Mr. Charles Borgmann to the Nebraska Motor Vehicle Industry Licensing Board. That report is offered by the Transportation, Telecommunications Committee. (Legislative Journal page 831.)

PRESIDENT SHEEHY: Senator Baker.

SENATOR BAKER: Thank you, Mr. President and members. As the Clerk said, this is a new...an appointment to the Nebraska Motor Vehicle Industry Licensing Board. It is a new appointment of Mr. Charles Borgmann from Norfolk; Senator, Senator Mike Flood. He is an auto dealer in Norfolk and his qualifications, they have to have a dealer on this board. He fulfills that requirement. He did not testify in person but he was represented by Mr. William Jackson and I would ask for his appointment...be confirmed. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Baker. You've heard the report from Transportation, Telecommunications. Is there discussion from the floor? Seeing none, Senator Baker,...



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Senator Baker waives closing. The question before the body is, shall the confirmation report from Transportation and Telecommunications Committee be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 851-852.) 33 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT SHEEHY: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, LR 290, offered by Speaker Brashear. WHEREAS, THE NEBRASKA Land Foundation, on Saturday, March 4, 2006, at the annual Statehood Day dinner, held in the Nebraska State Capitol, shall present the distinguished NEBRASKA Land Award, along with the Sower, WagonMaster, Trailblazer, and Pioneer awards; WHEREAS, the WagonMaster Award will be presented to Dr. Martin Massengale; WHEREAS, the second WagonMaster Award will be presented to Mr. Keith Blackledge; WHEREAS, the Pioneer Award will be presented to Mr. Jack Maddux; WHEREAS, in pertinent part the Trailblazer Award shall be presented to The Honorable LaVon Crosby. Mrs. Crosby served in the Nebraska Legislature from 1988 until 2000. Signature legislation championed by State Senator Crosby included the establishment of, and funding for, the Nebraska Cultural Endowment. A lifetime active supporter of the arts and education, she has been named the Sower Award winner by the Nebraska Humanities Council, a Friend of Music by the Nebraska Music Educators, and a Friend of Education by the Nebraska State Education Association; and WHEREAS, the Distinguished NEBRASKA Land Award is presented to The Honorable Bob Kerrey; WHEREAS, the Sower Award is presented to Mr. Ted Kooser. NOW, THEREFORE, BE IT RESOLVED: That the Legislature extends its appreciation to the aforementioned honorees for their service to the state of Nebraska, and that a copy of this resolution be sent to all honorees.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Brashear, you're recognized to open on LR 290.

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SPEAKER BRASHEAR: Thank you, Mr. President. Members of the body, I'm going to be brief. The individuals who were named by the Clerk in the resolution could each be extolled at some length. That wasn't the reason that I thought it would be more than acceptable to all of you to put up the resolution, because they will all be honored and feted at the statehood banquet on Saturday night. But I personally did not want to let the moment go without just remembering briefly how much...what an honor and privilege it was to serve with Senator LaVon Crosby in this body. I have very personal and emotional remembrances of Senator Crosby and her husband, Governor Bob, and so I'm not...I'm not here to salute all the things we could salute but simply to utilize the opportunity and to afford any of you who want the opportunity for any reason covered by the resolution. I'm here to simply say, LaVon, we love you. You're very special. We thank you. We thank you for teaching us grace, tone, class, and service.

PRESIDENT SHEEHY: Thank you, Senator Brashear. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, there are not many people during my time as a senator who have had a profound impact on me while here and after they had left. Senator LaVon Crosby is one of those people. We got along, in the way some people would describe it, as thick as thieves. Obviously, on a particular issue we did not see eye to eye, but there was not acrimony, there was not bitterness. We had and maintained a mutual respect throughout. The only problem I find with this resolution is that it includes others than Senator Crosby. She is what, in Latin, would be described as "sui generis"--one of a kind, a unique individual--and as such, if I had my way, which I don't, she would be held up alone. So there is reflected glory from Senator Crosby which will wash over these other people in the resolution, people who I'm sure deserve every word of praise that is directed toward them in the resolution. But when there is somebody that you're partial to--Senator Cudaback, we used to say somebody you've taken a shine to, the way old folks would express it, meaning you deeply care about a person--Senator Crosby would be that individual.

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Following the lead of Senator Brashear, I'm not going to itemize in a laundry list all of the things that took place or even to try to highlight them that caused me to think as much of Senator Crosby as I do, but I wish her long life, good health, prosperity, and I think she will be a blessing to any and everybody who comes in contact with her. I'm not saying this next statement just because Senator Foley is here, but I sure wish Senator Crosby were here and I miss her deeply. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I rise in support of this resolution, and to say that I came into the Legislature with Senator Crosby and I miss her to this day. I still have conversations with her every once in a while. The thing that I really enjoyed about Senator Crosby is her sense of humor, and she could bring laughter to the Legislature sometimes on the most difficult occasions. But one thing that I would really like to note and to thank her for, and I don't know that I've ever done this publicly, but there was an issue at one point...and I should tell you that Senator Crosby and I weren't always eye to eye on issues, and as you all know she was very pro-life. She was...she believed strongly in her point of view, yet she always said to me, and I said back to her, you know, we are going to work through our differences and we are going to try to come to some common ground and some common understanding. So when the issue of the Women's Health Initiative came before the Legislature, it was Senator Crosby that I would give a great deal of credit to for helping that initiative become law, and the reason is that there was a lot of fear and speculation that the Women's Health Initiative had an agenda, that we were going to do something about promoting abortion or whatever, something that would have been anathema to many people on this floor. And Senator Crosby, as she often did, talked to her constituents, listened carefully to what people said, and came to the opinion that that wasn't the issue that we were talking about in the Women's Health Initiative, and she came on board and she supported that initiative and I believe she convinced a few of the other senators on the floor to do the same. And so I've

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never really maybe acknowledged that as much as I should. I think that was an important initiative. We actually had to overcome the Governor's veto to secure passage. The result of that has been the Women's Health Office, which I think has been a very good thing for the state, and they have lived through one sunset and I'm sure will live through the next one. So, Senator Crosby, if you are listening, we do miss you, and I do thank you again, and I look forward to seeing you at the statehood dinner. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Schimek. Senator Cudaback.

SENATOR CUDABACK: Mr. Governor, members, Senator Chambers is absolutely correct, and I did take a shine to Senator Crosby. If there's a word for special, as a definition, Senator Crosby surely fits that bill. By the way, she was the one who actually taught me, if I know how--maybe some of you say I don't--how to preside as she did it many, many, many times. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Cudaback. Senator Dwite Pedersen.

SENATOR DW. PEDERSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. Ditto to whatever was said before me. I know that she's watching. Congratulations, LaVon, and thanks for all you've done for the state.

PRESIDENT SHEEHY: Thank you, Senator Pedersen. Senator Foley.

SENATOR FOLEY: Thank you, Mr. Lieutenant Governor. Let me also add my voice to the many accolades that are being offered to Senator Crosby. I, too, Senator Schimek, I speak with LaVon from time to time. In fact, I just spoke with her last week. She's doing very well. She's, as you know, she keeps a very active schedule even to this day. And I don't know if she's watching this morning, because I know she likes to watch when she can, but she keeps such an active schedule she can't always see every moment of the Legislature. But she may be watching now and, LaVon, I just want you to know we love you, we miss you. You're just such a model of public service, and it's just

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so fitting that all these accolades are being offered to you today, and it's just so fitting that you'll be honored again this coming Saturday evening at the statehood dinner. So God bless you, LaVon.

PRESIDENT SHEEHY: Thank you, Senator Foley. Senator Engel.

SENATOR ENGEL: Mr. Lieutenant Governor, members of the body, I, too, are a great admirer of LaVon Crosby, and she taught us all a lot. One thing, her Irish humor, one time we were discussing the prairie dog bill here on the floor, so, LeRoy, this wasn't...you weren't the first one brought that up, and different ones were afraid we'd annihilate the species and LaVon was in the debate then, and I said something to her. I can't remember exactly what it was, and she said, you'd never have to worry about that because they have a way of coping. And some...you know, you can add words to that, and they have...that you could come up with a different meaning. But the thing is, another thing about LaVon, is as far as the arts. I know she served on Appropriations Committee with us and that particular year we did have money and we did put some money into the Endowment Fund for the Arts and Humanities, and that's still functioning today. Of course, it has to be matched and only the interest off that is used for endowments. But she talked about...she taught us a lot about the arts, and she said...talked about her husband Bob, when she first married him, and he said...and he thought that when she talked about Beethoven's Fifth, he thought it was a quart of Kentucky whiskey, you know? And so I think a lot of us perhaps had that same attitude, but we certainly know more about the arts because of LaVon. So, LaVon, if you are listening, we all love you. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Engel. Senator Janssen.

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. Senator Crosby, when Senator Crosby...when I first got into the Legislature, why, Senator Crosby found out I was from Nickerson, Nebraska, and she said, you know, there was a little place there that my former husband and I used to frequent quite a bit. I said, well, that little place you used

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to frequent was owned by my father. She said, I wondered about that. So, LaVon, your work you've done with the arts is insurmountable. You were a great promoter of the arts. I love the arts also, so LaVon and I used to talk about different music, things like that, and she was...she is a fine lady and was a great representative for her district. So congratulations, Senator Crosby.

PRESIDENT SHEEHY: Thank you, Senator Janssen. Is there further discussion on LR 290? Senator Stuhr.

SENATOR STUHR: Thank you, Mr. Speaker and members. I, too, want to add my congratulations to Senator Crosby. I had the privilege of sitting for six years in the middle of two great teachers--Senator Chambers on one side, Senator Crosby behind me--and it was a joy. I would...she was...really did serve as a mentor. I would ask her many things as we proceeded on. So I just want to add my congratulations to Senator Crosby. We do love you and thank you very much.

PRESIDENT SHEEHY: Thank you, Senator Stuhr. Senator Chambers.

SENATOR CHAMBERS: Mr. President, I'm not going to prolong this, but I have been told that Senator Crosby probably is watching and, had I known that, I would have addressed my remarks directly to her. So this brief comment, Senator Crosby, is to you. I don't know which camera is on, but I know that she maintains a garden at a certain facility in Lincoln, and I will tell her that I'm sure when she's around those roses she causes them to blush just a little redder. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Further discussion on LR 290? Seeing none, Senator Brashear, you're recognized to close.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. Senator Chambers, Senator Crosby knew that the camera that was on was the camera that's always permanently fixed on you. They found that one didn't need to pivot at all most days. Thank you all for sharing. I will close by making a personal comment because I suspect that LaVon is watching us. LaVon, as

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you left the body prior, 20 of us are leaving the body this year. Things are changing, but I promise that I've only framed one letter in my life. It's the letter you sent me on November 23, 2002, and I'll take that with me when I go. We love you. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Brashear. You've heard the closing on LR 290. The question before the body is, shall LR 290 be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK:       42 ayes, 0 nays, Mr. President, on the adoption of LR 290.

PRESIDENT SHEEHY: LR 290 is adopted. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR 290. (Doctor of the day introduced.) Next item, Mr. Clerk.

CLERK: Mr. President, Select File. First bill this morning, LB 856. Senator Flood, I have Enrollment and Review amendments pending to LB 856. (AM7165, Legislative Journal page 734.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Kremer. Senator Flood.

SENATOR FLOOD: Mr. President, I move the adoption of the E & R amendments to LB 856.

PRESIDENT SHEEHY: The question before the body is, shall E & R be adopted? The question...all those in favor vote yea; opposed, nay. The E & R is adopted.

CLERK: Mr. President, Senator Beutler would move to amend with AM2515. (Legislative Journal page 840.)

PRESIDENT SHEEHY: Senator Beutler.

SENATOR BEUTLER: Mr. Lieutenant Governor, members of the Legislature, this is an agreed upon amendment which is...simply implements what Senator Kremer was intending with regard to

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LB 856

funding of the possible state takeover of the particular function that's described in the bill, and it simply provides that, although there may be General Funds at the beginning, a fee which is already provided for in the bill will be relied upon for the ongoing funding. And it says that it's the intent of the Legislature, furthermore, that any General Funds appropriated for purposes of this section shall be reimbursed to the General Fund. So that will give some guidance to our Fiscal Office as they look to this in the future. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Beutler. The floor is now open for discussion. Senator Kremer.

SENATOR KREMER: Thank you, Mr. Lieutenant Governor, members of the body. I would just like to also state that I am in agreement with this, with this amendment. I'll just give you a little bit of history. Back in 1999, LB 835 was passed and the provisions in that bill said that the department shall assess a fee of not to exceed 2 cents per animal unit reported under Sections 54-2613 as direct purchases or contract purchases. So when...if this should be implemented by the state of Nebraska, if it was...right now it's preempted by the...by the federal, by the Congress, and they discontinued it, but I think they will reinstate it again. But it should come back to the state. Then there would be a checkoff of 2 cents per animal so it would be cash funded. The money that was appropriated would be brought to us as...from the department that they should, in the first I think 12 months, come to us with the...with a proposal of how much they needed to get things up and going, software, whatever they need for personnel. That would only be up until the time that the program was implemented. At that time, it would go over to the Cash Fund. The Cash Fund then would reimburse back to the General Fund the amount of money that was spent. So it would be neutral in the long run. That's what's in the original statutes, but I think it's very appropriate to put in the statutes of the bill here before us today so there's no misunderstanding. So thank you, Senator Beutler, for bringing that to us.

PRESIDENT SHEEHY: Thank you, Senator Kremer. Further discussion on AM2515? Seeing none, Senator Beutler, you're



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recognized to close. Senator Beutler waives closing. The question before the body is, shall AM2515 be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Beutler's amendment.

PRESIDENT SHEEHY: Next item, Mr. Clerk.

CLERK: Mr. President, Senator Fischer would move to amend, AM2564. (Legislative Journal pages 852-853.)

PRESIDENT SHEEHY: Senator Fischer.

SENATOR FISCHER: Mr. Lieutenant Governor and members of the body, what Senator Kremer and I would like to do with AM2564 is amend my original bill from last year, LB 531, into LB 856 this year. LB 531 was amended by the committee last year and they were rather simple amendments, but the premise of the bill deals with the animal identification system. It authorizes the Nebraska Department of Agriculture to develop and implement components of a national animal identification system and, more importantly, to provide for producer confidentiality when that system is implemented by the federal government, probably in 2009. It does not make the animal identification system mandatory. This is still a voluntary program here in Nebraska. I will go through part of what this amendment will do. First of all, in dealing with the original bill, it separates subsections (1) and (2), that are Section 1 of the introduced bill, into two sections. It expressly authorizes the premise registration and other functions associated with the national animal identification system to become Section 1, and provisions pertaining to confidentiality become Section 2. As I stated earlier, that producer confidentiality is very important to people involved in animal agriculture. It also provides that persons releasing information for any purpose other than those authorized is expressly subject to prosecution as official misconduct. It adds a new subsection to clarify that the confidentiality provisions are not construed to prohibit the department from discussing the progress and results of

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surveillance activities that are associated with a disease incident. This means that if an event takes place, if there is an outbreak, if an event takes place and the department needs to investigate that, they can release information that would be necessary in that case. If there are any questions, I'd be happy to answer them, or I would yield my time to Senator Kremer, if he would like some.

PRESIDENT SHEEHY: Thank you. Senator Kremer.

SENATOR KREMER: Yes, thank you, Senator Fischer. I have my light on, too, but I will do that right now. And I thank Senator Fischer for bringing this bill. It was something we really should have gotten done last year but just ran out of time. And it really...right now, the Department of Agriculture is in the operation of getting premise registrations and I think we have about 21-22 percent, they reported this morning, that have identified their premises with a number. We just...the bill, what the intention is, it gives expressed authority for them to do that. They're kind of just doing it now under a general authority. But then also has a confidentiality part in there and that is very important because it's very needed that they have this information as far as...far as disease surveillance, but it's not to be misused. And so there's only, as she stated, only a couple times that they can give this out to the public and that's if it's authorized by the person themselves or if it's a purpose of disease surveillance. I'd just like to mention a couple things about the importance of this. I think many times in the paper you look at...see articles dealing with country of origin labeling and there's many feel like that we would like to have our products labeled that they come from the U.S. so people know what they're buying. Before we can do that, we really have to know exactly where these animals come from. So we're really just the first step in doing that, as far as disease surveillance, you know, the BSE cases and how we need to track that down very quickly in order to stop it from spreading or else even just provide the safety in our products. And then also with the Japanese market, where they're requiring right now that we cannot sell animals to them or beef that comes from animals that are over 20-21 months of age, so age verification is very important. Also, the

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individual producers can use this for their own production records and following the genetics of their animals, so I think it's very, very important that we do this and make sure that we have a confidentiality on the ground floor so that it can't be misused in any way. Thank you, Senator Fischer, again, for bringing this bill, and I wholeheartedly support it.

PRESIDENT SHEEHY: Senator Fischer, you have 5 minutes left.

SENATOR FISCHER: Thank you, Mr. Lieutenant Governor. I would just like to tell the members that when we had the hearing on this bill last year there was no opposition. We had all the farm groups and ag groups that were supportive. That included Nebraska Cattlemen, Farm Bureau, Farmers Union, and the State Grange; all came and testified in support of this bill. With that, I would close and urge you to support the amendment. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Fischer. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, if anybody does not understand the dynamics of the farming community, when you have the Farm Bureau and Farmers Union agreeing on something, you can take that to the bank. That makes this bill, that is now an amendment being offered by Senator Fischer, all right. But I have something I have to ask her about. Senator Fischer, you and I have not really had occasion to battle each other on the floor on the mike, have we, this session so far?

SENATOR FISCHER: Not yet, Senator Chambers.

SENATOR CHAMBERS: Senator Fischer, when I became aware that you were offering an amendment, I thought about the possibility of arranging a conflict, but then you came over here and we had a brief conversation this morning. Did we, or did we not?

SENATOR FISCHER: Oh, we certainly did, Senator Chambers.

SENATOR CHAMBERS: On your right lapel, what is the object made

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from silver and perhaps studded with jewels of various kind, I didn't have my glasses on, what is that object?

SENATOR FISCHER: You need your glasses on, first of all. It's...

SENATOR CHAMBERS: Just a second, let me see.

SENATOR FISCHER: Okay. Can you see?

SENATOR CHAMBERS: Yes, I can.

SENATOR FISCHER: It's a cowboy boot, Senator Chambers.

SENATOR CHAMBERS: And what...the configuration of the toe, can you describe that? Is it a...

SENATOR FISCHER: It's probably more of a pointed toe than most real ranchers would wear.

SENATOR CHAMBERS: Pointed-toe boot. And what's on the back of the boot in the heel area?

SENATOR FISCHER: A spur, of course.

SENATOR CHAMBERS: Now, when somebody sees a boot like that, they feel that it serves a purpose other than just holding the foot of the wearer. And did you explain, and I agreed with you, what the function of such a boot ordinarily is?

SENATOR FISCHER: That was my purpose in visiting with you this morning, Senator Chambers, the function of what this boot is and the need to get this amendment passed.

SENATOR CHAMBERS: And I made it clear at that point that you had made the point with me that was necessary and I was going to support your amendment, correct?

SENATOR FISCHER: Yes, you did. Thank you.

SENATOR CHAMBERS: And I also mentioned that maybe I'd like to

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get such a piece of jewelry. And since I don't use the kind of salty language which a person would use in describing what that boot does, all I'd have to do when an occasion arose was hold it up and it would let people know, right?

SENATOR FISCHER: We'll see if that can be arranged.

SENATOR CHAMBERS: Thank you.

SENATOR FISCHER: Thank you.

SENATOR CHAMBERS: I do, in all seriousness, support this amendment. I think it is a very good one. It cannot produce anything other than wholesome results. I'd like to ask Senator Kremer a question or two, if I may.

PRESIDENT SHEEHY: Senator Kremer, will you yield?

SENATOR KREMER: Yes, I will.

SENATOR CHAMBERS: Senator Kremer, you had mentioned something about the Japanese markets, and I may have missed that. Would you...

SENATOR KREMER: Okay.

SENATOR CHAMBERS: ...briefly run over that again for me?

SENATOR KREMER: Okay. The Japanese market will not accept any beef into their country now that is over...that the animal, when it was...when it was harvested, was over 20, 21 or 20, (inaudible), 20 months of age, and so we have to verify that age before the animals are slaughtered before we can export to Japan.

SENATOR CHAMBERS: And in order that some people might understand the significance of that age, it has to do with BSE.

SENATOR KREMER: Yes, it does. Because there's no prevalence of BSE in younger animals, and so they want to make sure that they're animals that are young, which would not carry BSE.

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SENATOR CHAMBERS: And that BSE refers to, in popular parlance, mad cow disease.

SENATOR KREMER: That's correct.

SENATOR CHAMBERS: Correct?

SENATOR KREMER: That's correct.

SENATOR CHAMBERS: And this that Senator Fischer is offering us will have a direct bearing on what we've just been discussing, correct?

SENATOR KREMER: It will just be much easier to verify these animals. Right now, it takes a...it's kind of complicated to make sure that they're under that age, where if every animal is identified for the birth date and all that, they would be very easy to monitor that.

SENATOR CHAMBERS: Senator Kremer, had you been interested in a bill of this kind for some time?

SENATOR KREMER: Well, yes, but I think just in the last two or three years it's really come to the forefront.

SENATOR CHAMBERS: So there was interest in it before Senator Fischer brought her...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...version. Is that correct?

SENATOR KREMER: I don't know if it was on the radar screen much before last year or not, but then I...to some extent, we have been interested in it before that, but...

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Fischer a question while she's still on her feet.

PRESIDENT SHEEHY: Senator Fischer, would you yield?

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SENATOR FISCHER: Certainly.

SENATOR CHAMBERS: Senator Fischer, this is an idea that has been circulating and floating around for a time. Isn't that true?

SENATOR FISCHER: Yes. Yes, it is.

SENATOR CHAMBERS: Thank you.

SENATOR FISCHER: People in the livestock...

SENATOR CHAMBERS: That...you answered the question.

SENATOR FISCHER: Oh, well, thank you.

SENATOR CHAMBERS: In the same way that the "Bible" says that a little child shall lead them, as I've often said on this floor, a woman, given the opportunity, having the assertiveness, shall lead them. I hope that my colleagues are intelligent enough to accept being led when somebody, who has wisdom which ought to be followed, will do the right thing. That's all I have to say. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Louden.

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. First, I would like to voice my support for this amendment and the underlying bill. I certainly believe we need to have some identification. There are some questions I do have regarding it. One thing I would point out that...to Senator Chambers and Senator Kremer, that with herd identification we're probably going to use it more for tuberculosis identification of herds than we probably ever will for BSE in this country, because we do have tuberculosis outbreaks on an annual basis many times in Nebraska, and these are always hard to track down. And so those types of diseases and...because we have to keep Nebraska tuberculosis free so we can export cattle. And there's other diseases, brucellosis and many others, that come by the wayside. One thing that I would like to ask Senator Kremer

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questions, if he would yield, would he, please?

PRESIDENT SHEEHY: Senator Kremer, will you yield?

SENATOR KREMER: Yes, I will.

SENATOR LOUDEN: Senator Kremer, are you familiar with the form that the Brand Commission is sending out to people when their brand comes due on what they have to fill out to get their herd identified? Have you looked at that form?

SENATOR KREMER: Well, I haven't recently, but I do have a brand so I've filled it out.

SENATOR LOUDEN: And did they ask you for your driver's license?

SENATOR KREMER: I don't remember, because I think it's only due every four years or six years, and it's been some time since I did, so I really don't know.

SENATOR LOUDEN: Anyway, the forms that are coming out now, they ask for your driver's license number on that form in order to identify your ranch or wherever you...your premises, and I question whether that is necessary. I'm sure you don't have to fill that out, but I'm wondering if perhaps the Department of Agriculture, Nebraska Department of Agriculture, couldn't refine their forms a little bit, rather. Because at the present time, there's a national push to use your driver's license as a national I.D. number, and I think we're probably already there except for a few states that haven't, and I really question whether it's necessary to have your national I.D. number on your premises...for your premises location. So that would be the only problem I have with it. And, of course, where you have it in there that none of these...your section...well, your Section 23, for any information be confidential, which I think is a necessary part of it. But that would be my only question to this brand and animal identification premises, is whether or not the forms are filled out properly and whether we're asking questions that are irrelevant to what we're trying to do. Thank you, Mr. President.



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PRESIDENT SHEEHY: Thank you, Senator Louden. (Visitors introduced.) Senator Combs.

SENATOR COMBS: Thank you, Mr. Lieutenant Governor, members of the body. I do rise in support of the Fischer amendment and also in support of the bill. And I do appreciate Deb for bringing this and Senator Kremer for bringing the bill that I think is necessary to preempt, hopefully, if we do have an outbreak of avian flu. They're talking more of a "when" more so than an "if"--if we do have a pandemic situation, I think that will help particularly with tracking down where the source is. I think animal tracking is very important. I work at Farmland. We do that with every hog that we bring in, and I think it's important that these chickens, poultry, so forth, are screened. So again, I'm just standing up. The nurse in me says this is important. I just want to be on the record. I support it. I supported it on General. I continue to support it. And I do want to remind both Senator Fischer and Senator Chambers that, I can't take credit for this quote but, well-behaved women seldom do make history. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Combs. Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I agree with Senator Chambers that if Farm Bureau and Farmers Union agree, this bill must be all right. But I do want to...I do want to say, Senator Chambers, I'm going to ask a question or two and I don't want you to think that's because I (laugh) don't have any wisdom, okay? Senator Fischer, if I could, I apologize for maybe asking this after you've already explained, but my gadget doesn't automatically bring up the next amendment and so I wasn't on the right amendment when you started talking about it. I may have missed some of your explanation. But I want to ask you particularly about subsection (2), and I'm not sure what page that's on, but it says the department may disclose information as authorized by this subsection, subject to any confidentiality requirements that the department determines are appropriate under the circumstances. Would you go into a little bit of detail about that? What could the department determine is confidential or not confidential? Could you explain a little bit?

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PRESIDENT SHEEHY: Senator Fischer.

SENATOR FISCHER: Thank you, Mr. Lieutenant Governor. Yes, Senator Schimek, when you're dealing with anyone's business--and in agriculture, not only is it a way of life, it's also a business--releasing that business information, as a producer myself, I feel that's a violation. That's not public information. And especially in the day and age we're living in now, where we might...where we might see some terrorist threats, not only has the department...the Nebraska Department of Agriculture warned against that, but also the USDA has spoken about terrorist threats, and one of the main targets could be the livestock industry in the United States. And in Nebraska, we all know that the livestock industry is the biggest economic force in this state. That's one thing we don't need to make that public. We don't need to make it readily available to people on where ranches are located. It's easy enough to find that out. It's easy enough to find out where feeding operations are. It shouldn't be made available under a premise identification bill, though, or premise identification law.

SENATOR SCHIMEK: But then...but then if I might ask, Senator Fischer, what would you think that the department might disclose at its discretion? I mean, as a member of the public, I'm certainly going to want to know that there may be a problem. I don't want to find out, you know, a couple weeks later than the department has knowledge of.

SENATOR FISCHER: I agree with Senator Loudon, when he made his statement, that the public doesn't really need to be concerned with BSE or mad cow disease in a situation like this. What the department and what ranchers themselves and livestock producers would be concerned about are diseases like tuberculosis, diseases like brucellosis. If, say, we would happen, hopefully not, but if we would happen to have a hoof and mouth, anthrax, things like that that would happen, in that case the Department of Agriculture could release information on, if an event like that takes place, they could release the information on where that event has taken place.

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SENATOR SCHIMEK: And should release that information?

SENATOR FISCHER: I don't know if they should release it in all cases. I think if the department and the state veterinarian have been able to control the event,...

PRESIDENT SHEEHY: One minute.

SENATOR FISCHER: ...it wouldn't be necessary to put that out for the public to even know about. You're controlling your industry, you're controlling your business, you're able to contain and control a disease outbreak. I don't...I don't know if that presents a danger to the public necessarily.

SENATOR SCHIMEK: I'm just thinking about what happened at the national level when it was not disclosed that there was another case of mad cow disease and there was a lot of, kind of, hysteria over that, and I don't want that to happen here.

SENATOR FISCHER: Right, and I don't think it will. When you talk about mad cow or BSE, that's entirely different than talking about a disease outbreak in a herd of cattle or in a feedlot. BSE, it's...I can get on my soapbox here as a producer, it's never been found in meat. It's never been found in meat. I firmly believe the public reacts...

PRESIDENT SHEEHY: Time, Senator.

SENATOR FISCHER: ...too strongly to these rumors.

PRESIDENT SHEEHY: Senator Kremer.

SENATOR KREMER: Thank you, Mr. Lieutenant Governor, members of the body. Just a couple comments. Senator Fischer did an excellent job explaining that, but it might be appropriate, if they determined disease somewhere, that you would have to disclose that to a group of veterinarians that could respond to it. So it doesn't mean necessarily just to the public, but you can even disclose that there is BSE or some disease or something came up in some meat, but you don't necessarily have to disclose the premise that it came from. That should be the response of

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the veterinarians or who needs to respond to that. So...and it's pretty hard to define when it should be disclosed and when it does not, so that's kind of why the wording is getting there, when "appropriate." And this is the same language that is in the statutes of some other states at this present time. So with that, thank you.

PRESIDENT SHEEHY: Thank you, Senator Kremer. Further discussion on AM2564? Seeing none, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is, shall AM2564 be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Fischer's amendment.

PRESIDENT SHEEHY: AM2564 is adopted. (Visitors introduced.) Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Mines would offer AM2563. (Legislative Journal pages 853-855.)

PRESIDENT SHEEHY: Senator Mines, you're recognized to open on AM2563.

SENATOR MINES: Thank you, Mr. President, colleagues. AM2563 is an addition that was last year approved by the committee, and that was LB 584. The amendment changes provisions relating to inspection of and licensure under the Commercial Dog and Cat Inspection Act (sic). The amendment, as I mentioned, is my bill, LB 584, from last year, heard by the Agriculture Committee and voted out of committee with an 8-0 vote, and the committee did have amendments. For those of you that don't know, there are approximately half a million puppies each year bred in puppy mills or facilities that are typically known for their filthy, overcrowded conditions and the unhealthy animals that they do produce. About 4,000 to 5,000 puppy mills are in operation in the U.S. Most of them are located here in the Midwest, and they house between 75 and 150 breeding animals. Dogs are bred solely for profit, with little concern for their physical health. Most

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are disease-ridden and forced-bred continuously. What this does is three things. First, AM2563 would allow the Department of Agriculture's state inspectors, under Commercial Dog and Cat Inspection Act (sic), to enforce state cruelty statutes. Under current law, an inspector is not empowered to enforce animal control laws, rules and regulations, or ordinances, and are instead required, if they find a violation, to get a local law enforcement officer to come out and serve the act. This bill would also allow an inspector to immediately take action in a situation where he or she is inspecting a facility and discovers violations. Second, the annual fee charged for licensing facilities that house animals would be set by the director, and these fees would be on a sliding scale with a maximum...and that's based on the number of animals in the facility and it would have a maximum \$200 fee. This section also increases the annual fee, excuse me, to \$250 from \$200. And then third, the bill would raise the age requirement for puppies and kittens that are sold by persons other than animal control facilities, or in animal shelters. It increases their age from six weeks to eight weeks. The American Kennel Club recommends that a puppy not be removed from its litter until it's 8 to 12 weeks of age, as puppy needs ample time to mature and socialize with its littermates. LB 584 was supported by the Nebraska Humane Society, the Capital Humane Society, Hearts United for Animals, as well as a breed-specific rescue group. The bill originally...was originally opposed by the Nebraska Dog Breeders Association and veterinarians; however, the committee amendment removed language in the bill found objectionable to these groups. Primarily, number one, it omits the statutorily prescribed standard for veterinary visitations and veterinary plans as a condition of licensure, and it retains the exemption of veterinary clinics under current law from being defined as boarding kennels subject to licensure. And number two, removing this provision eliminates the concerns felt by members of the veterinary community, as well as those in the Dog Breeders Association. Mr. President, colleagues, I would urge you to adopt AM2563. Thank you so much.

PRESIDENT SHEEHY: Thank you, Senator Mines. Senator Kremer.

SENATOR KREMER: Thank you, Mr. Lieutenant Governor. I'd like

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to have Senator Mines...a question, I guess. When we had this hearing in the Ag Committee, I was absent. We had a death in the family. And I know that there was some opposition from the veterinarians and I think they came back in support with some change. Could you just bring us up to that a little bit, what the opposition was and why they support it now, if they do?

PRESIDENT SHEEHY: Senator Mines, would you yield?

SENATOR MINES: Thank you, Mr. President. Senator Kremer, you capsulized it very well. The veterinarians were concerned that we would force them to license facilities in their veterinary facilities, and the committee amendment takes that away from any consideration and that's why the veterinarians agreed to sign on to the bill.

SENATOR KREMER: Okay. And at this time, you don't know of opposition from any of those that do house puppies or kitties or what.

SENATOR MINES: No, Senator, I'm not aware of any opposition.

SENATOR KREMER: Okay. Senator Chambers looks like he's making a statement of some kind here, so thank you. (Laughter)

PRESIDENT SHEEHY: Thank you, Senator Kremer. Senator Foley.

SENATOR FOLEY: Thank you, Mr. Lieutenant Governor. I wonder if Senator Mines would yield to a question.

PRESIDENT SHEEHY: Senator, would you yield?

SENATOR MINES: Thank you, Mr. President. Yes, Senator Foley.

SENATOR FOLEY: Thank you, Senator Mines. I'm just catching up with you a little bit here and trying to read through your amendment and digest it. Suppose a private owner owns a dog, the dog has puppies. Would this provision apply to that private owner, or is this just something that applies to the so-called puppy mills?

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SENATOR MINES: The only application, Senator, is for facilities that breed animals and right now the main component is inspection. Right now the Department of Ag has one inspector who has literally no authority to enforce the rules, regulations of the department, so they must get a...they must get a law enforcement officer to come to the facility. So this would allow that inspector to enforce the provisions.

SENATOR FOLEY: So am I hearing you correctly? So this would not apply to a private citizen who had a dog and the dog had puppies and...would that place...

SENATOR MINES: That is correct.

SENATOR FOLEY: It would not place any limitations on how quickly they could sell off the puppies or give them away or whatever, or would it?

SENATOR MINES: No, Senator.

SENATOR FOLEY: I see. Thank you, Senator Mines.

PRESIDENT SHEEHY: Thank you, Senator Foley. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, this looks like a real toy poodle and, as a matter of fact, she is. Her name is Nicole and she was rescued from one of those puppy mills. An attempt had been made for a number of years to breed her. Those attempts being unsuccessful, they were going to kill her. She was rescued by Hearts United for Animals. At the time that Cindy, the lady who works for me, procured her, she did not know how to bark, she did not know how to walk up or down stairs. If you placed her in a certain position, she would sit there as though she were frozen. So I told Cindy that since this little dog had gone through so much, she should not leave her to come down to the Legislature every day. Animals experience what's known as separation anxiety, and I pointed out that while she was at the shelter at least there were other animals and people. So Cindy began to bring her down here. And not just bragging or boasting, and maybe doing a little bit of both, when it comes to infants, animals which have been abused,

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and older people, I seem to do better than I do with the categories that are not included in the ones that I mentioned. Senator Mines is bringing an amendment which I think is very wholesome, I think it is valuable, and it's good that Senator Foley asked the question that he did so that people's mind could be set at ease. Others may have been wondering the same thing, so I think the record is clear. This little dog is very nervous around people. She's not trembling now because she's in very good hands and she knows that she's protected from all hurt, harm and danger when I'm anywhere on the scene. But were it not for the fact that we have the type of issue that Senator Mines is bringing to us, I would not have brought her on the floor. I am protective of her in the way that she is protective of me when a stranger comes into the office. So I want to indicate my strong support for Senator Mines' amendment, and I appreciate the fact that he's bringing it and that Senator Kremer is in support, and that's all I would have. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Erdman.

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. Members of the Legislature, if Senator Mines would yield to a question.

PRESIDENT SHEEHY: Senator Mines, would you yield?

SENATOR MINES: Yes, Mr. President. Senator.

SENATOR ERDMAN: Senator Mines, I had a chance to review the comments that you shared with us in your opening. I think it's the fifth bullet on your first page there about how all dogs are treated or how all dogs are in the confinement of a commercial operation. Could you read that bullet point to me, please?

SENATOR MINES: There are 4,000 to 5,000 puppy mills in the United States?

SENATOR ERDMAN: I think it's the fifth one. It says dogs are all treated and forced-fed and that, that one.

SENATOR MINES: I said that in puppy mills, dogs are bred solely for profit with little concern for their physical health. Most



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are disease-ridden and all are forcibly bred.

SENATOR ERDMAN: Okay. Thank you, Senator Mines. And I think that was more accurate than your opening statement, and I think your opening statement led to believe that all operations that are in the commercial cat and dog business are in that scenario. I think your comments here are further clarifying that it's specifically puppy mills. And I'd take great exception if it would have been for all, because of the...in the businesses and those individuals that I know personally that are engaged in the business and treat their animals just as Senator Chambers does. I've also had an opportunity to work with the Nebraska Dog Breeders Association and they are in support, as I understand it, at least some of their members are, the one that I know personally, with your amendment, as it came out of the committee. And I will say that the committee amendment, which is your amendment, is a lot more reasonable; is based more in reality than what the testimony we heard in support of your original bill. I'm grateful that you're willing to work with us to find some common sense, because I would say that those that may have testified in favor of the bill have a different agenda than what even you would, as far as creating a fair regulatory process. So I appreciate your willingness to work with those who are interested and the amendment that's before us. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator Price.

SENATOR PRICE: Mr. Lieutenant Governor and members of the body, in 1999, my second year in the Legislature, I introduced LB 825, which was to license and regulate commercial breeders of cats and dogs. Well, that was an interesting year. Every time I got up, they meowed or barked at me here in the body, and then it was held in Ag Committee and then, with an interim study following that session, it was passed out of the Ag Committee in 2000 and passed 37 to 0. I visited with the cockfighters, the coon dog raisers and all types of animal breeders, the humane societies, the pet rescue. It was very, very successful. There was a concern at that time about removing...or permitting puppies or kitties to be adopted at age six weeks. They wanted it at eight weeks, and there was a controversy on that. And

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then some animals, some hunting dogs, need to be taken at a younger age and trained at a younger age before they become too set in their ways. But Nebraska is one of the five states that is known for puppy mills. They're generally in wretched, and I hope I'm speaking to the people that run puppy mills, they're in wretched conditions. The animals are not handled until they are...an order is placed for them. They meet at an intersection of a road, because they don't want you coming down into their facility. The dog has not been handled until it's taken out and bathed, and sometimes these are stacked four cages high, and maybe this was the animal at the bottom who got all of the droppings. It was bathed, it was placed in a vehicle and taken out to this intersection, money exchanged. The family didn't have a carrier in the car so the puppy was placed in with a young child in the backseat and the young child says, oh, thank you, Daddy, and hugs the dog, and they're bit because the dog has never had any socialization. Puppy mills are abhorrent. Females are bred and bred and bred and bred, and when they're finally unable to breed anymore or worn out, then they're killed. And we all desire a good product for our dollars, and some of these go for \$300-\$400, and you want to know who the female and who the male are because puppies don't come with a money-back guarantee. If they have hip dysplasia which shows up in the fourth, fifth, sixth year, you can't get your money back unless you want to spend \$5,000 to \$7,000 to send them to the University of Kansas for surgery. And puppy mills are terrible, but you'd be surprised how many people do buy from breeders. I went through the ads, the want ads, and called a couple people, wanting to know if they had this kind of a pet. And I said, fine, I'll come down; where are you located? Uh-uh, we'll meet you at an intersection or at a parking lot. And when you get a message like that, that means that they are an illegal breeder. All I asked was that they be licensed and regulated by Nebraska, and inspected once a year, USDA licensure. It just means that you get a better product for your dollar spent. And so, as I say, I'm very supportive of the Mines amendment. We all want a good pet and deserve to get a good product for our dollar. Thank you, Mr. Lieutenant Governor.

PRESIDENT SHEEHY: Thank you, Senator Price. Further discussion on AM2563? Seeing none, Senator Mines, you're recognized to

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close. Senator Mines waives closing. The question before the body is, shall AM2563 be adopted? Those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: 29 ayes, 0 nays on the adoption of the amendment, Mr. President.

PRESIDENT SHEEHY: AM2563 is adopted. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Chambers would offer FA524. (Legislative Journal page 855.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA524.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this amendment will not give anybody heartburn, I don't believe, but on page 1, in line 15, I would strike the words "to produce" and substitute "for the purpose of producing." This language, beginning in line 13, is talking about a breeding poultry flock, and it mentions that you bring certain animals together, and the language says to produce fertile eggs. I think the language should be for the purpose of producing, and then you leave the rest of the language as it is. So if Senator Kremer would like to ask me anything about the amendment I will answer his questions, or anybody else's, but that is all the explanation I can think of that might be beneficial. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. You've heard the opening on FA524. The floor is open for discussion. Seeing none, Senator Chambers, you're recognized to close. Senator Chambers waives closing. The question before the body is, shall FA524 be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of Senator Chambers' amendment.

PRESIDENT SHEEHY: FA524 is adopted. Next item, Mr. Clerk.

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ASSISTANT CLERK: Mr. President, Senator Chambers would offer FA525. (Legislative Journal page 855.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA525.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, this is found on page 1 in line 18. I would strike the words "on one premises," show that language as being stricken, since it's in the original existing law, and insert "at one location." I'd like to ask Senator Kremer a question.

PRESIDENT SHEEHY: Senator Kremer, will you yield?

SENATOR KREMER: Yes, I will.

SENATOR CHAMBERS: Senator Kremer, have you had a chance to look at this amendment?

SENATOR KREMER: Not really. I guess it looks okay to me, just on the surface. And I don't know...I didn't know you had these amendments coming up and I was busy talking to somebody else all the time, so...

SENATOR CHAMBERS: Okay, and they're not of that much consequence, but I'm not trying to slip anything by, so I'll give a little explanation of why I'm doing this.

SENATOR KREMER: Okay, that would be good.

SENATOR CHAMBERS: The language says currently, and this is in the existing law, "Hatchery means hatchery equipment on one premises operated or controlled by any person." I would strike the words "on one premises" and put in their place "at one location." This language that exists now may not have ever created a problem, but it doesn't really strike me as being appropriate. I don't know whether the word "premises," as used here, is like a collective noun that is the same, singular or plural, but if this is designed to be a singular word, because there is one premises, then if there were two you'd have to say,

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two "premiseses." So I think it would be clear if we strike that and insert the words, "at one location," because that's what, in fact, the language is talking about. So if that is not clear and anybody has a question, I would answer it. But before I take that up...well, let me see if there are any questions first. That's all I would have, Mr. President. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Chambers. The floor is now open for discussion of FA525. Senator Kremer.

SENATOR KREMER: Thank you, Mr. Lieutenant Governor, members. I guess I'd like to ask Senator Chambers a question. I guess I'm really not sure of this, because on our premise identification with the livestock I.D., we have a premise identification but the cattle could be at different locations, but it really goes down to one operator and he might have cattle in one field and about a mile away there might be some more, too, but still under the same premise. So there may be a reason for the "premise" because it's used that way in other places. So I...on the surface, I don't think it seems like it makes any difference, but I'm wondering what the reason may be why it was premises, and if it doesn't change it any, then I guess I would just as soon leave it this way. And I don't know that I have good reason for that, but I don't have any reason to change it either.

PRESIDENT SHEEHY: Senator Chambers.

SENATOR CHAMBERS: Well, Senator Kremer, if this terminology is used elsewhere, I will leave it. But it's bad here and it would be bad elsewhere, unless there is a definition of this term.

SENATOR KREMER: Where is the definition (inaudible)?

SENATOR CHAMBERS: I didn't see a definition anywhere. And when you...

SENATOR KREMER: I can't tell you and it may not be under the Poultry Act, as I'm told, but it could be some other places. So I guess I would have to do some more research before I could give you an intelligent answer on that.

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SENATOR CHAMBERS: Then...and I'm not interested in creating any controversy,...

SENATOR KREMER: Uh-huh.

SENATOR CHAMBERS: ...so before I withdraw this amendment, I'm going to have a little fun with you.

SENATOR KREMER: All right.

SENATOR CHAMBERS: But I will do that on my own time, because we're on yours now.

SENATOR KREMER: Thank you.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT SHEEHY: Further discussion on FA525? Seeing none, Senator Chambers, you're recognized to close.

SENATOR CHAMBERS: Thank you. Mr. President, Senator Kremer has provoked me.

PRESIDENT SHEEHY: Senator Kremer.

SENATOR CHAMBERS: I haven't asked him yet. I just said that he provoked me. So now I've got to get him to work with me on something. Senator Kremer, on page 2 of this bill, the amendment that you're offering, the large amendment, do you have a copy of it, AM7165?

SENATOR KREMER: Yes, I do.

SENATOR CHAMBERS: In line 7 on page 2 is this language: "Poultry means domesticated fowl." Do you agree...do you see that language?

SENATOR KREMER: Yes, I see it.

SENATOR CHAMBERS: Okay. Would you turn to page 10. Have you

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got it?

SENATOR KREMER: Yes, I do.

SENATOR CHAMBERS: In line 2, would you read the first few words on that line, which tell us what "poultry" means.

SENATOR KREMER: "Poultry means domesticated birds that serve as a..."

SENATOR CHAMBERS: Okay. Are birds and fowl the same?

SENATOR KREMER: Birds...yes, I would say they are.

SENATOR CHAMBERS: So let me ask you this. If the possibility that the term "premises" would be defined someplace else, why, when the word "poultry" is being defined, does one of the definitions, on page 2, line 7, say "Poultry means domesticated fowl," and on page 10 in line 2 it says "Poultry means domesticated birds"? Why don't, since they have the definition in two locations, why don't they say one or the other, that poultry means either domesticated birds or domesticated fowl? Why have two definitions that say something different?

SENATOR KREMER: I could not answer that question without doing a little more studying on it, or find out from the department that brought this bill to us.

SENATOR CHAMBERS: Do you think the department is familiar with the existing language in the law?

SENATOR KREMER: I would think they would be.

SENATOR CHAMBERS: Does it seem to you that if they were going to define the word "poultry" they might first look to see if it's defined already in the law?

SENATOR KREMER: I would assume that they would. But it could be that there are differing circumstances under the definitions here.

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SENATOR CHAMBERS: Okay, I read it and I didn't see it, but I just thought I'd bring that to your attention. Now what I want you to do is go to page 10, if you will, again. Are you there?

SENATOR KREMER: Okay, I...ten? Yes.

SENATOR CHAMBERS: Okay. Now there are some fowl of renown that we all are familiar with. Would you list or read the four categories listed on page 10 in line 4?

SENATOR KREMER: Okay. Chickens, turkeys, ducks, and geese.

SENATOR CHAMBERS: Okay. So the fowl of renown I had in mind were, Henny Penny,...she would be covered by "chickens," right?

SENATOR KREMER: I believe she would.

SENATOR CHAMBERS: And we probably could slip Chicken Little in there, too, right? (Laughter)

SENATOR KREMER: Oh, yes.

SENATOR CHAMBERS: Okay. Now, "turkeys" would take care of Turkey Lurkey, right?

SENATOR KREMER: Um-hum, and Ducky Lucky likewise.

SENATOR CHAMBERS: And "geese" would take care of Goosey...

SENATOR KREMER: Goosey Loosey.

SENATOR CHAMBERS: Goosey Loosey. All right. Now what I'm going to have you do, if you will, is turn back to page 2. Are you with me?

SENATOR KREMER: Yeah, so far.

SENATOR CHAMBERS: Now, in line 8, we're talking about these types of poultry, the domesticated fowl, who are bred for the primary purpose of producing eggs or meat. Then they say, "including," and they list chickens and turkeys, but they don't



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list ducks and geese. Are ducks animals who are produced for the...who are used for the same purpose as chickens and turkeys?

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: Are they used to produce eggs or meat?

SENATOR KREMER: I would say both.

SENATOR CHAMBERS: So why didn't the department, in drafting this bill, include geese and ducks, as they do in the existing law on page 10?

SENATOR KREMER: I cannot tell you that. But you know, it's not nice to have fun at somebody else's expense, so you're putting me on the spot here.

SENATOR CHAMBERS: But you are having fun, aren't you?

SENATOR KREMER: Oh, I am.

SENATOR CHAMBERS: Okay. The reason I'm doing this, Senator Kremer, is because I offer a little amendment, and it creates concern of a kind that persuaded me I ought not to offer it, because there may be something referring to that word "premises" someplace else, and we would need this word to remain in order not to mess up something somewhere else in the statute. Yet, in the existing law, we have definitions which are not followed in the new language contained in LB 856.

PRESIDENT SHEEHY: Time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. I will withdraw that pending amendment, though.

PRESIDENT SHEEHY: FA525 is withdrawn. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Chambers would offer FA526. (Legislative Journal page 856.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open

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on FA526.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the existing language in the law, which Senator Kremer did not put there, is what I'm dealing with in this amendment. I'm going to read the entire subsection (8) for the record. "Pullorum and typhoid clean means poultry in which no pullorum-typhoid reactors were found on the first official blood test or," and this is the language that I find nonsensical, "which have been retested with two consecutive official negative tests." How are you going to retest something with negative tests? They don't mean what they're saying here. They can't mean what they're saying here, so I'm trying to help them out. I'm trying, grammatically speaking, to bring a clean thing out of an unclean thing. But before I do that, I'm going to ask Senator Kremer for some guidance. Senator Kremer, pullorum is a bacterial infection that can be deadly when it comes to these kind of critters that we're talking about, as can the typhoid pathogen.

PRESIDENT SHEEHY: Senator Kremer.

SENATOR CHAMBERS: So would you agree with that?

SENATOR KREMER: Yes, I would.

SENATOR CHAMBERS: Well, now, "Doctor" Kremer, would you look in line 13, starting with the word "retested"? And I'm going to read the language in line 13 and the language in line 14: "retested with two consecutive official negative tests." What are negative tests that are used for the purpose of retesting? What does that mean?

SENATOR KREMER: A negative test is when you could not find the presence of the disease that you're testing for. A positive test would show that there was a presence.

SENATOR CHAMBERS: Is there such a thing as a negative test that is used for the purpose of retesting? Is...aren't they talking about a test that produced a negative result? Isn't that what they're talking about?

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SENATOR KREMER: Yes, I would say that's true.

SENATOR CHAMBERS: Okay. Now I'm going to read that, then I'm going to read what I'm offering.

SENATOR KREMER: Okay.

SENATOR CHAMBERS: They have "which have"...we're talking about these...this poultry, poultry "which have been retested with two consecutive official negative tests." See how this sits with you: "poultry which have been subjected to retesting which produced two consecutive negative results." Which of those two do you like better?

SENATOR KREMER: I think yours is probably superior, but I think we should leave the word "official" in there.

SENATOR CHAMBERS: So you would want to say "two consecutive"...where would you want to put the word "official"?

SENATOR KREMER: Okay, "consecutive official"...it's right before "negative" before. No, that's "negative results" then. So I don't know, but I think we should have "official" in there somewhere.

SENATOR CHAMBERS: Well, suppose we said "subjected to official retesting which produced two consecutive negative results"? Because the idea is that the testing should be official, or done by the department or whoever is doing this. So have you got the amendment on your gadget, so that you can see the wording of it?

SENATOR KREMER: Yes, I have a copy of it here.

SENATOR CHAMBERS: Okay. Now, what I would do, based on what you said, is to put the word "official" before the word "retesting." Then we would say "subjected to official retesting which produced two consecutive negative results."

SENATOR KREMER: I would think that would be an improvement.

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SENATOR CHAMBERS: Okay. So if you will say a little something, then I will take care of this.

SENATOR KREMER: Okay.

SENATOR CHAMBERS: Well, that's not enough.

SENATOR KREMER: Oh. (Laugh) You said "a little something," so I'll say that: a little something.

SENATOR CHAMBERS: Okay, well, I will just continue.

SENATOR KREMER: Okay, I'll...I see your...what you're trying to do. In my mind, it doesn't mean...make any difference. And I know what we're trying to do here is to comply with the National Poultry Improvement Plan. And some of this that's taking place here has been brought down to us that we are in harmony with that. And I don't know if some of this language comes down from what's in the language on the National Poultry Improvement Plan, if it's taken from that, or if it's taken from somewhere else. So I can't answer a lot of your questions just why it's worded this way. The thing is that I don't have a lot of problem understanding it, but it's probably always good to have it pretty clear, too, so that we're not misinterpreting it anytime.

SENATOR CHAMBERS: And what I need to find out now, Senator Kremer, and I'll ask the Clerk, are we considering AM7165 for adoption? Or has that been adopted already?

ASSISTANT CLERK: That has been adopted already.

SENATOR CHAMBERS: It has been? So I can then offer an amendment to my amendment which is here. Thank you. And I'm going to insert the word "official" after the word "to" in line 3 of my amendment as it exists now. And I know my time is running. Mr. President, members of the Legislature, the amendment is coming now. And I will tell you why I do this, even when we have existing language. Any time what I call bunglesome language appears in a proposal before us, whether it is amendatory language or existing language, I'm going to try to do something to correct it. So I will wait until that amendment

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is properly before us. But while waiting, I want to explain something about this particular amendment. If you look at the language in the existing law, I'm sure the federal government, and nobody connected with the federal government, would use language this bunglesome: "retested with two consecutive official negative tests." The test is not negative; the result derived from the test is either positive or negative. You're dealing with a result. And my colleagues are too nervous. On something like this, Senator Kremer should readily say, I don't care who may have put that in a federal regulation. We are not changing the meaning of it by improving and correcting the language. There would still be official retesting, meaning that whoever, under the law, is the one authorized to do this official testing, will do so; and that retesting must produce two consecutive negative results in order for this poultry to be deemed pullorum and typhoid clean. But I have to ask Senator Kremer a question about this existing language. "Doctor" Kremer, if you would yield to a question, I'd like to put one to you.

PRESIDENT SHEEHY: Senator Kremer, would you yield?

SENATOR KREMER: Yes, I will. And as I look at this, Senator Chambers, I think you're exactly right. We want the results, not just that they had a test.

SENATOR CHAMBERS: Oh, right. But I wanted to give you time to really...

PRESIDENT SHEEHY: One minute.

SENATOR CHAMBERS: ...see the language and have a chance to read it, so...

SENATOR KREMER: Okay.

SENATOR CHAMBERS: Okay. I'm having a problem with the existing language, and I'll tell you what it is; then when I'm recognized I can go into greater detail. But what I would have you to look at on page 2 would be lines 11 through 14,...

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SENATOR KREMER: Okay.

SENATOR CHAMBERS: ...to see the entire text. But then in line 13 we have the word "or," which would suggest that there are two methods by which this poultry can be declared clean of these particular infectious organisms. So when I'm recognized, that's what I'm going to discuss with you. Thank you, Mr. President.

PRESIDENT SHEEHY: Mr. Clerk, do you have an item at the desk?

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend his own amendment with FA529. (Legislative Journal page 856.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA529 to floor amendment.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, in line 3 of my amendment as it appears on the gadget, after the word "to," I would insert the word "official," because I think Senator Kremer made a valid point there. We don't just want some testing; we want this to be the same official kind of testing that was discussed earlier in this language. Senator Kremer, the first part of this provision says that there are no pullorum-typhoid reactors found on the official...on the first official blood test. If that occurs, then that one test is sufficient to have this poultry declared clean of these organisms. Are they saying, or do they intend to say, when they insert the word "or" and give the second provision, that on that first blood test there may have been these reactors found, and if that's the case, then the retesting is required and there would have to be at least two negative results consecutively obtained? Is that what they're saying, that under the first test, if there are no reactors, then the fowl are declared clean, but if there are these reactors, then the second part of this provision comes in and there would have to then be the retesting which produced two consecutive negative results? Is...does that seem to be what the meaning is, as you read it?

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SENATOR KREMER: Yes. Yes, it does. And I think it...what you're doing makes it much more clear, and I think it's the results that we're talking about. So if there would be a positive test in that first group, then you would have to do two more tests, and they would have to be two negative tests at that point before they were declared clean.

SENATOR CHAMBERS: Right. And in the first part, they're not talking about the test being negative, but that these reactors are not found as a result of the test. So since Senator Kremer and I have reached an accord on this insertion of the word "official," I don't have any more to say on this. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Chambers, your light is on. Further discussion on FA529 to FA526? Seeing none, Senator Chambers, you're recognized to close. Senator Chambers waives closing. The question before the body is, shall FA529 be adopted to FA526? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of FA529.

PRESIDENT SHEEHY: FA529 is adopted. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, we are back to FA526 as amended.

PRESIDENT SHEEHY: Further floor discussion on FA526? Seeing none, Senator Chambers, you're recognized to close. Senator Chambers waives closing. The question before the body is, shall FA526 be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 0 nays on the adoption of FA526, Mr. President.

PRESIDENT SHEEHY: FA526 is adopted. Next item, Mr. Clerk.

ASSISTANT CLERK: Senator Chambers would move to amend with FA527. (Legislative Journal page 856.)

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PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA527.

SENATOR CHAMBERS: Thank you, Mr. President. This is an amendment that probably has the whole lobby shaking. This could be a very dangerous amendment, so I even want to have Senator Loudon and Senator Synowiecki pay attention. This would take place on page 7, in line 11, is where my amendatory language would occur. But so that you'll see the context, I'm going to read the entire sentence: Compliance with Sections of 6 to 9 of this act does not relieve a person from the requirements of various other sections. I would strike the words "from the requirements" and I would insert the words "of the requirement to comply with the provisions." And here is how it would read with my amendment: "Compliance with sections 6 to 9 of this act does not relieve a person of the requirement to comply with the provisions." This language, it's not really a dangerous amendment, that's just to make people pay attention. It's like crying wolf. But it doesn't matter what I cry around here. If people are going to listen, they'll listen; if they're not, they won't. But this, I think, is clearer language, it is more appropriate when it comes to drafting legislation, so that's why I'm submitting it. Rather than say "does not relieve a person from the requirements" of certain sections, my language says "does not relieve a person of the requirement to comply with the provisions" of these particular specified sections. I'd like to ask Senator Kremer a question.

SENATOR KREMER: Yes, okay.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Senator Kremer.

SENATOR CHAMBERS: Senator Kremer, have you had a chance to look at this language and see what it does?

SENATOR KREMER: Yes, I've looked at it, and it's fine with me.

SENATOR CHAMBERS: Thank you. That's all I will say, then. And



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Mr. President, I spoke as long as I did only to give Senator Kremer a chance to look at it and see what it is. I don't have anything further. Thank you.

SENATOR CUDABACK: Thank you, Senator Chambers. (Visitors introduced.) You've heard the opening on FA527. Open for discussion. Senator Chambers, there are no lights on. Senator Chambers waives closing. The question before the body is, shall FA527 be adopted to LB 856? All in favor vote aye; opposed vote nay. We're voting on adoption of the Chambers amendment, FA527. Have you all voted on the question who care to? Have you all...please record, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 0 nays on the adoption of the amendment, Mr. President.

SENATOR CUDABACK: The Chambers amendment has been adopted. Mr. Clerk, next amendment, please.

ASSISTANT CLERK: Senator Chambers would offer FA528. (Legislative Journal page 856.)

SENATOR CUDABACK: Senator Chambers, to open on FA528 to LB 856.

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is the last amendment I'm going to offer. I saw other things in the bill which could be dealt with, but the bill is good in what it does, so this will be my last amendment. On page 7, in line 22, is the word...is the term "uncaptured wild animals." "Uncaptured" will let people get an idea of what is being stated, but I don't think there is such a word in the English language. But there is a term "at large." "At large" means to be running free or not confined. So what my amendment would do, even if there is a word "uncaptured," it would strike the word "uncaptured" and, after "wild animals," insert the words "at large." And this, to give you context, is what the language is pertaining to. It is a definition of the word "animal" for purposes of this particular piece of legislation. "Animal means all vertebrate members of the animal kingdom except humans or," and with my language it would say "wild animals at large," rather than "humans or uncaptured wild

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animals." And I will see how that sits with Senator Kremer, so I will ask him a question.

SENATOR CUDABACK: Senator Kremer, would you respond?

SENATOR KREMER: Yes. Yes, I will answer.

SENATOR CHAMBERS: Senator Kremer, have you had a chance to look this over?

SENATOR KREMER: You know, I guess I've looked at it, but I can't tell you the difference in that, other than, I'm not sure if "uncaptured" is defined somewhere else, and whether...I don't know if there's any difference or not. To me, it's the same. I guess I don't have any opposition to it, but whether I'll support or not (inaudible).

SENATOR CHAMBERS: Well, maybe this will help you, Senator Kremer. What's the difference between "ain't" and "isn't"?

SENATOR KREMER: One is a correct English word and the other is not.

SENATOR CHAMBERS: I don't know if we should say "correct." We should say one is accepted and the other is not. But dictionaries don't tell you what's correct; they tell you the usage that is popular. So these two words can each or both express the same idea. Isn't that true?

SENATOR KREMER: I...to me, it does.

SENATOR CHAMBERS: Okay, so "uncaptured" might be all right in the parlance of people on the street corner discussing something, but in statute, I think there should be a type of language which is more suitable, and I'm offering "at large" rather than "uncaptured" because I think the term "at large" is more suitable for legislation. So the question that I have to ask you is this. Are you opposed to this substitution of language that I'm offering?

SENATOR KREMER: I would say that I'm not opposed to it, and

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I'll just let the body decide if they think it's better language or not, and I probably will just not vote, because I...to me, I understand what "uncaptured" means, but "at large" might be more appropriate. I'm not sure.

SENATOR CHAMBERS: Senator Kremer, do you use "ain't"?

SENATOR KREMER: I try not to, unless it's to make a point of something.

SENATOR CHAMBERS: But you know what "ain't" means. So all...just knowing what it means doesn't mean it's suitable.

SENATOR KREMER: I ain't going to (inaudible)...

SENATOR CHAMBERS: So you might know what "uncaptured" means. Suppose I'm a real stickler for language, and I say, by Jove, "uncaptured"? (Inaudible)

SENATOR KREMER: Senator Chambers, can I make a comment here?

SENATOR CHAMBERS: Huh?

SENATOR KREMER: Can I make a point...comment here?

SENATOR CHAMBERS: Certainly.

SENATOR KREMER: Okay. I remember you brought us a bill,...I was thinking that your job after you get out of here, you should work for Bill Drafters, because you do a great job in that area. But I remembered a bill, and I had a little fun with you, that you brought to us about dogs, and you referred to a dog as a "contagious dog." And I think "contagious" means that you could be...it could be caught by somebody else, so I thought, is that a dog that cannot be caught, then, when you talk about a contagious dog? So that would be kind of a wild at-large dog, when it's contagious. So that's beside the point.

SENATOR CHAMBERS: I don't remember that.

SENATOR KREMER: Don't you remember? I do.

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SENATOR CHAMBERS: Maybe the bill drafter put a word in, but I don't even know what that would refer to. A contagious dog?

SENATOR KREMER: I don't...I just thought...I saw that and I...and you had a laugh out of that, too, so...

SENATOR CHAMBERS: Well, I sure would. That part would be right. If I saw a "contagious dog," I certainly would have laughed. So you got me on that one. Whatever the point was, I yield, and I say touche, that you got me on that.

SENATOR KREMER: Okay. Senator Chambers, I...you know, I don't think it makes any difference. I think it's going to be the same response to whatever it is. I'll support it even then.

SENATOR CHAMBERS: Okay. Now I want to...since we're past that, I want to ask you a couple of questions about the bill, because not having any additional amendments, I need to do it on this one. And these things that I'm going to bring up might seem facetious, but I'm looking at the actual language of this amendment. By that I meant AM7165. Did the Department of Agriculture draft this language?

SENATOR KREMER: They brought the bill to us, and I believe they did (inaudible).

SENATOR CHAMBERS: Okay. Would you turn to page 8.

SENATOR KREMER: Okay.

SENATOR CHAMBERS: And when you get there, would you let me know?

SENATOR KREMER: Yes, I have page 8.

SENATOR CHAMBERS: In line 16, beginning, it says "Exotic animal means any animal which is not commonly sold through licensed livestock auction markets pursuant to the Livestock Auction Market Act. Such animals shall include, but not be limited to, miniature cattle, miniature horses, miniature donkeys, Barbary

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sheep, Dall's," spelled D-a-l-l-'s, "Dall's sheep, alpacas, llamas, pot-bellied pigs, and small mammals." Do you see that language? And then we're excepting out domesticated cats and dogs.

SENATOR KREMER: Yes, I see the language.

SENATOR CHAMBERS: And then when you get to line 23, it says, "The term also includes birds and poultry." Before I get into the other, why would it say "birds and poultry" when we have "poultry" defined as birds? If the definition of "poultry" includes birds, why, in line 23, do we say "birds and poultry"? Are they talking about birds that are not poultry, do you think?

SENATOR KREMER: Probably. There are birds that would not be included as poultry. But then, you could interchange a chicken as a bird or poultry. So there is a difference in the definition, but I...I'm not sure that it's always defined correctly all the way here. And I can't answer the question why it's like that in here.

SENATOR CHAMBERS: Then probably, between the two definitions of "poultry" that will exist in the law if this bill is passed, we ought to get rid of the one that defines "poultry" as domesticated birds, and keep the one that says "poultry" means domesticated fowl, because the word "fowl" does refer to these birds that people tend to eat.

SENATOR KREMER: Um-hum.

SENATOR CHAMBERS: So maybe all fowl are birds, but not all birds are fowl. Would you agree?

SENATOR KREMER: All birds are fowl, but...?

SENATOR CHAMBERS: No, all fowl are birds.

SENATOR KREMER: Are birds. I would say that's correct.

SENATOR CHAMBERS: But not all birds are fowl. For example, I don't think a bald eagle would be considered fowl, would it?

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SENATOR KREMER: I don't think so either.

SENATOR CHAMBERS: So maybe you can look at that and we'll get rid of that definition in the existing law which is found on page 10 in line 2 which says "Poultry means domesticated birds." Now that's not mainly what I want to get to. But since birds are included in the definition of exotic animals, which means any animal which is not commonly sold through livestock...through licensed livestock auction markets pursuant to the Livestock Auction Market Act, I need to ask you--and birds would be included--a sparrow would be an exotic animal under this definition, wouldn't it?

SENATOR KREMER: I think it would.

SENATOR CHAMBERS: And chickadees.

SENATOR KREMER: It sounds like it, because they...

SENATOR CHAMBERS: Crows.

SENATOR KREMER: Yes.

SENATOR CHAMBERS: Grackles.

SENATOR KREMER: Yes, and I don't even know what one looks like.

SENATOR CHAMBERS: Had you ever thought of those as being exotic animals?

SENATOR KREMER: No, not really. No, I...

SENATOR CHAMBERS: Nor had I. So maybe they want to do something with that definition, unless they have a real broad definition, since we're talking about the kind of surveilling and other things that the purpose of the bill is.

SENATOR KREMER: Well, I would think that even the sparrow, or whatever it would be, would be something that they might want to do some surveillance with,...

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SENATOR CUDABACK: One minute.

SENATOR KREMER: ...if a dead sparrow turned up and they found out it had some disease in it that could maybe carry bird flu or something. Whether they can or not, I don't know. The problem is, I'm...how do you...I'm sure that they try to put a list down there, and it's not an exclusive list, because there...if...we can think of probably a lot of things that maybe should be included in there, and that's probably difficult.

SENATOR CHAMBERS: But I mean, rather than putting them under the definition "exotic animal," and define "exotic animal" in such a way that it could include far more than is excluded. Practically everything could be called an exotic animal which is not commonly sold through the licensed livestock auction markets. I will...

SENATOR KREMER: It could be a different person could interpret it differently. Some...it might be an exotic animal to you, and it might not be to me. So I would guess that's true, that anything could be included.

SENATOR CHAMBERS: And since my time is up, I'll wait until I'm recognized, and then I'll try to wrap it up. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on FA528. Open for discussion. Senator Combs.

SENATOR COMBS: Thank you, Mr. President, members of the body. I had attributed a quote earlier to an unknown person. I said, source unknown. And someone just left this on my desk here, and I want to tell you a little bit about the lady who originally did give the quote: Well-behaved women seldom make history. Since, seeing as how that was...happened about, oh, an hour and a half ago, we're still on the bill, so let's lighten it up a little. Laurel, she was born July 11, 1938, and she is an American professor, historian, and author. She was born in Sugar City, Idaho. She received a 1991 Pulitzer Prize in history for A Midwife's Tale, the life of Martha Ballard, based

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on her diary from 1785 to 1812. The book examines the life of a midwife working in the culture of the early United States at the turn of the nineteenth century. And another publication that Laurel Thatcher Ulrich wrote was called, All God's Critters Got a Place in the Choir, a collection of essays coauthored with Utah poet Emma Lou Thayne. So kudos to Laurel Thatcher Ulrich, a lady who was ahead of her time in her thinking, and obviously a lady that deserves honor. And I'm proud to find out what her name is, and put that on the record, and attribute that quote to her. Thank you.

SENATOR CUDABACK: Thank you, Senator Combs. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, the reason I'm not offering any amendments in this area of the bill, I don't want to unsettle or destabilize what the bill ultimately is aiming at trying to do. But another term which is included under the definition of "exotic animal" would be "small mammals." I'd like to ask Senator Pahls a question. I see him there. He's been following the discussion pretty closely, so I'm going to ask him a question or two.

SENATOR CUDABACK: Senator Pahls,...

SENATOR PAHLS: Yes.

SENATOR CUDABACK: ...would you respond?

SENATOR CHAMBERS: Senator Pahls, I guarantee you that you can answer (knocking sound) the first part of this question. Who's there? Oh, I thought that was a knock-knock joke.

SENATOR PAHLS: (Laugh) I can answer that part.

SENATOR CHAMBERS: (Laugh) I know. But Senator Pahls, included in the definition of "exotic animals" would be small mammals.

SENATOR PAHLS: Yes.

SENATOR CHAMBERS: Now, these are the questions that I would ask you.



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SENATOR PAHLS: Okay.

SENATOR CHAMBERS: Are mice small mammals?

SENATOR PAHLS: Yes.

SENATOR CHAMBERS: Weasels?

SENATOR PAHLS: Yes.

SENATOR CHAMBERS: Sables?

SENATOR PAHLS: Yes.

SENATOR CHAMBERS: Voles? And those are little...

SENATOR PAHLS: Yes.

SENATOR CHAMBERS: ...field mice kind of critters.

SENATOR PAHLS: I know. I know what those...

SENATOR CHAMBERS: Are they small animals?

SENATOR PAHLS: Yes.

SENATOR CHAMBERS: I meant, mammals. Shrews?

SENATOR PAHLS: I'd have to say yes.

SENATOR CHAMBERS: Chipmunks?

SENATOR PAHLS: Yes.

SENATOR CHAMBERS: Rabbits?

SENATOR PAHLS: Yes.

SENATOR CHAMBERS: Squirrels?

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SENATOR PAHLS: Yes.

SENATOR CHAMBERS: Prairie dogs?

SENATOR PAHLS: Yes.

SENATOR CHAMBERS: Which one of those animals would you have mentioned if somebody asked you to name an exotic animal? Are any of these exotic, as you think of that term?

SENATOR PAHLS: As I'm trying to...I would not personally think any of those would be exotic to me.

SENATOR CHAMBERS: Me either. That's why I called on you, because you haven't been just really following all of this, and I wanted to ask a layperson, which is what I am, but since I'm doing the advocating, I wanted to show that the common notion of "exotic" doesn't include all these very common critters that we see all of the time. Would you agree with that?

SENATOR PAHLS: Yes, that's what I...

SENATOR CHAMBERS: Okay. And that's all I'm going to ask you. Thank you.

SENATOR PAHLS: Thank you.

SENATOR CHAMBERS: So members of the Legislature, since the term "exotic animal" includes "birds," every bird that you can think of is an exotic animal. Every critter that can qualify under the term "poultry" is an exotic animal. When you see a chicken, you're looking at an exotic animal. You probably didn't know that before today. When you see a duck...now when they say, if it looks like a duck, it quacks like a duck, it waddles like a duck, you now say, that means it's an exotic animal. You didn't know that, did you? You hang around this place, you'll learn something. I have to ask Senator Kremer now a question, because I couldn't figure out exactly what is meant here.

SENATOR CUDABACK: Senator Kremer, would...

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SENATOR CHAMBERS: We're talking about definitions. And if you will turn to page 2,...

SENATOR CUDABACK: Senator Kremer.

SENATOR CHAMBERS: ...in line 2,...have you found it?

SENATOR KREMER: Yes, I have.

SENATOR CHAMBERS: "Noncommercial poultry means backyard flocks and hobby and pet birds." Do you see that?

SENATOR KREMER: Yes, I do.

SENATOR CHAMBERS: Now, we've established that not every bird would necessarily be embraced in the term "poultry," as that term ordinarily is understood. Would you agree?

SENATOR KREMER: I would agree.

SENATOR CHAMBERS: For example, I don't think a canary is considered poultry.

SENATOR KREMER: Correct.

SENATOR CHAMBERS: Well now, if "noncommercial poultry" means backyard flocks, suppose a person doesn't have a back yard, but has chickens. Would "frontyard flocks" also be noncommercial?

SENATOR KREMER: Yes, they would. If the chickens were in the front yard, they would be.

SENATOR CHAMBERS: If they were in the side yard?

SENATOR KREMER: Yes.

SENATOR CHAMBERS: Well, why do they say "backyard,"...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...because I really don't know. Is that a

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term that is generally used and understood...

SENATOR KREMER: Well,...

SENATOR CHAMBERS: ...to mean a specific thing?

SENATOR KREMER: ...I think it's just a term that's kind of used. In the back yard, it's not out...I suppose back in the old days, when you had a barn and the house and the chicken house, the house was kind of out in front by the road, and then you had the chicken house, and the chickens were kind of running back in the back yard somewhere. It's probably not to be taken literally.

SENATOR CHAMBERS: But you'd have to have some historical understanding, and cultural also, to know what this term really means. Is...

SENATOR KREMER: Well, maybe cultural. I'm not sure.

SENATOR CHAMBERS: If I lived in a trailer and had no yard, but I had chickens running around, they would have to be called "backyard flocks," even though I have no yard, wouldn't they, based on this definition?

SENATOR KREMER: Where would they be...they'd have to be in the house if you had no yard.

SENATOR CHAMBERS: No, they're just out there running. Let's say they're not mine.

SENATOR CUDABACK: You may continue, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Do you think this is a sound definition?

SENATOR KREMER: I think it's a definition that I can understand.

SENATOR CHAMBERS: But not everybody would understand it. Do you agree with that?

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SENATOR KREMER: Some people are probably too intellectual to understand it.

SENATOR CHAMBERS: Now let me ask you this. Could backyard chickens be for the purpose of...could they be meat-type chickens?

SENATOR KREMER: Yes, they could.

SENATOR CHAMBERS: Well, when I go to page 1, "commercial poultry" refers to meat-type chickens. That's commercial. "Noncommercial poultry" means backyard chickens. But if both of them are meat-type, there is no real difference, to my way of looking at it, between noncommercial poultry and commercial poultry. So if they're going to use those two terms, should there be something in the definition of "commercial" that indicates they are raised for sale or something, to distinguish "commercial" from "noncommercial"?

SENATOR KREMER: I understand what you're saying, but I think "commercial" used in...on page 1, 16, was in a difference of breeding flock. Breeding flock, commercial flock, they was trying to distinguish between those two. And I understand that it maybe get a little confusing when you get to the backyard chickens. So what we're trying to do, at one time, the Department of Agriculture only monitored the breeding flocks, and we're expanding that now to the commercial flocks. At one time it was defined as only those that were produced for breeding purposes, for hatching eggs, and then we're expanding that now to where it goes into animals that are used for meat and eggs. So that's the differentiation between the breeding and the commercial. Then it gets over to the backyard flocks, well, here's another group out here, and the backyard flocks could be used for eggs, meat, whatever. It must...might be just somebody that had ten chickens they wanted to use for their own use. So I suppose technically you could have some problems there. But I understand what they're trying to do with the "commercial" in the first explanation.

SENATOR CHAMBERS: But when definitions are given, shouldn't the

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definitions be clear? And if you have two definitions, they should be distinguishing one thing from another.

SENATOR KREMER: Well, I...

SENATOR CHAMBERS: But if both definitions can apply to the same thing, then you're only really defining one thing, it seems to me.

SENATOR KREMER: So you're...you think that it should be the "backyard flock" should say whether they're used for eggs, meat, or whatever the purpose is?

SENATOR CHAMBERS: Well, if they would say that the commercial flocks are the ones that are used...grown for sale or whatever purpose, so that you distinguish it from noncommercial. "Noncommercial," as defined here, could also be commercial, because the birds are being raised for the same purpose.

SENATOR KREMER: A backyard flock could be sold to the neighbor for meat or eggs also, so they could also come under the definition of "commercial," I would think. If you're selling the products from it, the produce from it, they would be commercial.

SENATOR CHAMBERS: And I'm not going to offer an amendment, but I'm just calling attention to things that...

SENATOR KREMER: You're right.

SENATOR CHAMBERS: Okay. Now, when we're on page 1, in the "commercial poultry flock" definition, it says "meat-type chickens," I understand that; "meat-type turkeys," I understand that; "table-egg layers." What other kind of layers are there, other than table-egg layers? What other kind are there?

SENATOR KREMER: You would have layers that...from a flock that has...that produces hatching eggs,...

SENATOR CHAMBERS: Say it again? I didn't get the last...

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SENATOR KREMER: ...that will go to the hatchery. There are flocks that are breeding flocks that the eggs are used...go to...sent to the hatchery for producing chicks.

SENATOR CHAMBERS: Okay, "hatchery" was the word I hadn't gotten. Okay. So then when they say "table-egg layers,"...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...they're talking about the eggs that are laid for the purpose of human consumption?

SENATOR KREMER: That's what I would understand that.

SENATOR CHAMBERS: So they could say "skillet-egg layers," couldn't they, and that would be more correct? Or "pan-egg layers," because you cook eggs either in a skillet or a pan. Wouldn't that make it clear what you're talking about?

SENATOR KREMER: Yeah, but it...the last gasp they have is they're on the table. That's...you know, so they might have come through the skillet, but the final destination of that egg is on the table, before you eat it, so.

SENATOR CHAMBERS: Senator Kremer, do you consider yourself more or less civilized?

SENATOR KREMER: Say that again?

SENATOR CHAMBERS: You've got to think about that?

SENATOR KREMER: I didn't hear your question.

SENATOR CHAMBERS: (Laugh) Oh, I'm...okay, I'm glad you didn't hear it.

SENATOR KREMER: Senator Erdman was distracting me.

SENATOR CHAMBERS: Do you consider yourself more or less civilized?

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SENATOR KREMER: I'm being distracted all the time. Repeat it again. I'm sorry.

SENATOR CHAMBERS: Okay.

SENATOR CUDABACK: Time, Senator.

SENATOR KREMER: Oh, good. (Laugh)

SENATOR CHAMBERS: Was that my third time?

SENATOR CUDABACK: It was, Senator.

SENATOR CHAMBERS: Okay.

SENATOR CUDABACK: There are no further lights on, so the Chair recognizes you to close on FA528.

SENATOR CHAMBERS: Thank you. Senator Kremer, do you consider yourself to be more or less civilized?

SENATOR KREMER: Is that a yes or no, or I should say more or less? I'm...

SENATOR CHAMBERS: I put it there, so you can answer it in the way that you choose.

SENATOR KREMER: (Inaudible)...I would say more to some people, maybe less to some others.

SENATOR CHAMBERS: So if I don't say "more or less" and just said, do you consider yourself civilized, what would your answer be?

SENATOR KREMER: I would hope so, yes.

SENATOR CHAMBERS: Okay. Senator Kremer, all of us, I believe, whether we manifest it or not, were taught table manners by our parents, or at least one of them. Would you agree?

SENATOR KREMER: I would agree.



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SENATOR CHAMBERS: When you eat eggs, what are those eggs on when you get ready to consume them?

SENATOR KREMER: Yes, unless you had so many of them they spilled off the plate, then they probably should be on the plate.

SENATOR CHAMBERS: So then we're not actually talking about eggs that are eaten off the table, are we?

SENATOR KREMER: Right. You're correct.

SENATOR CHAMBERS: So then why don't we call them...if you don't want to call them "skillet-egg layers" or "pan-egg layers," could we call them "plate-egg layers," because they wind up on the plate?

SENATOR KREMER: They probably...any way you call it, it would be confusing to someone. So however you suggest it would probably be superior.

SENATOR CHAMBERS: Well, I'm not going to offer an amendment. I don't want to just be a killjoy all the way. But I'm mentioning some of the things which, when I first read them, were not completely satisfactory to me as a definition, even though I think people would know what's meant. Since my time is running, I will now go up to line 13 and begin. "Breeding poultry flock means two or more individuals of the same species and different sexes." How many sexes are there?

SENATOR KREMER: Two.

SENATOR CHAMBERS: Are you sure?

SENATOR KREMER: Yes.

SENATOR CHAMBERS: On what do you base that? And whoever told you that, ask them why they say that.

SENATOR KREMER: Nobody told me that.

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SENATOR CHAMBERS: You just knew it.

SENATOR KREMER: Yes.

SENATOR CHAMBERS: So when I say "Doctor" Kremer, I'm correct.

SENATOR KREMER: Yes.

SENATOR CHAMBERS: Okay. Now, if you have three chickens, are all of them of different sexes?

SENATOR KREMER: What line are you referring to now on page 13?

SENATOR CHAMBERS: Yes, line 14.

SENATOR KREMER: I mean page 13. Okay,...

SENATOR CHAMBERS: Oh, page 1,...

SENATOR KREMER: Oh, you're on page 1?

SENATOR CHAMBERS: Yeah, page 1, line 14. I don't see how you were able to answer the question I was asking you on page 1 when you were on page 14.

SENATOR KREMER: I know.

SENATOR CHAMBERS: But you have talents I didn't know about.

SENATOR KREMER: That's probably why it was such a poor answer.

SENATOR CHAMBERS: No, it wasn't. It wasn't a poor answer.

SENATOR KREMER: Okay.

SENATOR CHAMBERS: Page 1.

SENATOR KREMER: Okay.

SENATOR CHAMBERS: Line 14: "and different sexes." This poultry

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flock means "two or more individuals"...

SENATOR KREMER: Okay.

SENATOR CHAMBERS: ... "of different sexes." Now,...

SENATOR KREMER: Okay, on a breeding herd you would have chickens...or, the hens and roosters in a breeding flock, because...

SENATOR CHAMBERS: But not all of them are of different sexes, are they? Some are of the same sex, aren't they? If you have more than two, some have got to be of the same sex, don't they?

SENATOR KREMER: Breeding flock means two or more. If you have two and you had a breeding stock...breeding herd...or, a flock...get the wrong word here..if you had two and you had a breeding flock, you'd have to have a rooster and a hen.

SENATOR CHAMBERS: But it says "two or more individuals of the same species and different sexes." If you had two, and there are only two sexes, then they would be of different sexes. But if you had three, not all three would be of different sexes, would they?

SENATOR KREMER: That's correct. That's correct.

SENATOR CHAMBERS: At least two of them are of the same sex, right?

SENATOR KREMER: That's right.

SENATOR CHAMBERS: Have you ever heard of animals of the same sex engaging in homosexual conduct?

SENATOR KREMER: No, I haven't.

SENATOR CHAMBERS: Well, there are animals that do.

SENATOR KREMER: Okay.

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SENATOR CHAMBERS: There really are, and I'm not being facetious.

SENATOR KREMER: Okay.

SENATOR CHAMBERS: But I won't be able to explore it further...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...at this point, because my time is running out. But when we come to the bill itself, then I'll have an opportunity to elaborate on that. But what I'm trying to show is that things which, when you read them in a definition, may seem to be crystal-clear, but upon further analysis, it's not accurate. Not all of these critters are of different sexes. But that's all I will say at this point, because the amendment that is before us has been agreed to by Senator Kremer, and that is what we will be voting on. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the closing on FA528. The question before the body is, shall that amendment be adopted to LB 856? All in favor vote aye; opposed vote nay. The question before the body is the Chambers amendment, FA528 to LB 856. Have you all voted on the question who care to? Please record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment.

SENATOR CUDABACK: The Chambers amendment has been adopted.

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CUDABACK: Senator Flood, are...or, Senator Kremer, would you make a motion, please? Whomever. Senator Flood.

SENATOR FLOOD: Mr. President, I move the advancement of LB 856 to E & R for engrossing.

SENATOR CUDABACK: You've heard the motion to advance to E & R for engrossing. Senator Chambers, for discussion.

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, as might be said on the street, as quiet as its kept, there are animals that engage in homosexual activity other than human beings. That will shock, stun, and amaze some of the more narrow-minded, hidebound people who are going to try to make the natural world comport with their dogma. But there are animals that do that. We know there are human beings who do it. And they found out that some of those most rabidly opposed to granting protection to gay men and lesbian women when it comes to civil rights are themselves homosexual, and they think by being so rabidly opposed they won't call attention to themselves. There was a mayor out in I think it was the state of Washington, one of the most anti-gay persons in public office, and they found out that he was gay, that he had been trying to set up homosexual contacts with boys, and he had even given jobs to boys, and it was alleged that it was in exchange for homosexual favors. He was recalled. So when you find these people who jump up on their hobbyhorse, and they're always going to have to be so strong in emphasizing that they're not this or the other, it raises a question. As Shakespeare said, methinketh you protesteth too much. Now, I've been accused of being gay because I speak out for the rights of gay people. Somebody is just waiting to figure how they can get around my whiskers so they can accuse me of being a woman, since I speak out for the rights of women. And others are going to wonder how in the world I learned how to stand upright and function like a biped, since I spend so much time speaking in behalf of our four-footed creatures. They can't understand that. But they accept some of the most preposterous notions that you can find. All kind of magical things happen in what they call their religion, and based on that, they want to condemn other people to hell, deprive others of the rights that every person in a society governed by law ought to have. And if we were decent and our religion meant anything, it would cause us to say that we are not going to be comfortable in the presence of anybody being deprived their rights, rights that we have, that we exercise, that we take for granted, that we think we have a right to have and exercise, but not those other people. They are in fact the other, the outsiders, the terrible ones. Well, as long as I'm aware of groups of people treated that way,

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mistreated, I'm going to speak in their behalf and condemn all of those who will engage in that treatment or endorse and support it. Now, I don't think chickens ought to be killed in a torturous manner. So am I a chicken? Some people might say yes. But it just shows how ignorant they are. Now, on this bill that we have before us, I think it is an example of how, when you all let these various agencies craft legislation and give it to you, that you're going to have to stand on the floor and defend this stuff,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...that person or those persons are not going to be on the floor. You don't read it carefully, because you trust them. And you should be able to, because they're the ones with the expertise. But it turns out that maybe we should not take everything they present to us at face value. We should not presume that they have the competency and capability which the title they wear would suggest. I'm going to let Senator Kremer's bill go now. It still, in my opinion, has some flaws. But it's not my bill. The body is comfortable with it. And they would have been comfortable with it if no amendments had been offered and adopted. So I'd like to ask Senator Kremer one question.

SENATOR CUDABACK: Senator Kremer, respond?

SENATOR KREMER: Yes. Would you repeat the question, please?

SENATOR CHAMBERS: I'm going to ask you the question now.

SENATOR KREMER: Okay.

SENATOR CHAMBERS: How are you doing?

SENATOR KREMER: I'm doing wonderful.

SENATOR CHAMBERS: Thank you. That's all I have, Mr. President.

SENATOR KREMER: Thank you.

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                          990, 1097, 1115, 1227, 1252  
                          LR 274

SENATOR CUDABACK:     Thank you, Senator Chambers.     Further discussion?     Seeing none, there is a motion on the floor by Senator Flood to advance to E & R for engrossing. All in favor of the motion say aye. Opposed to the motion, nay. LB 856 is advanced.

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY:     Mr. Clerk.

CLERK:     Senator Flood, I have no amendments to LB 856A.

PRESIDENT SHEEHY:     Senator Flood.     Senator Kremer.

CLERK:     Senator, I need a motion to advance LB 856A.

SENATOR FLOOD:     Mr. President, I move the advancement of LB 856A to E & R for engrossing.

PRESIDENT SHEEHY:     The question before the body is, shall LB 856A advance for E & R engrossing. All in favor say aye. Opposed, nay. Motion carries. Items for the record, Mr. Clerk?

CLERK:     Mr. President, your Committee on Judiciary reports LR 274 to General File; LB 1252, General File; LB 385, General File with amendments; LB 773, General File with amendments; LB 924, General File with amendments; LB 1227, General File with amendments; those reports signed by Senator Bourne as Chair of Judiciary. Government Committee reports LB 786 to General File with amendments, and was signed by Senator Schimek. Natural Resources reports LB 1097 to General File with amendments, signed by Senator Schrock. An amendment to be printed to LB 990 by Senator Wehrbein. New A bill: LB 766A by Senator Howard. (Read LB 766A by title for the first time.) Select File: Enrollment and Review reports LB 1115 to Select File. And I have a Reference report regarding two gubernatorial appointees. (Legislative Journal pages 857-866.)

Next bill, Mr. President, LB 663. I have Enrollment and Review amendments first of all. (AM7174, Legislative Journal page 800.)

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PRESIDENT SHEEHY:    Senator Flood.

SENATOR FLOOD:    Mr. President, I move the adoption of the E & R amendments to LB 663.

PRESIDENT SHEEHY:    The question before the body is, shall AM7174 to LB 663 for enrollment be adopted?    All those in favor say aye.    Opposed, nay.    It is adopted.

CLERK:            Senator    Cudaback would move to amend, AM2522. (Legislative Journal page 839.)

PRESIDENT SHEEHY:    Senator Cudaback.

SENATOR CUDABACK:    Mr. Governor (sic), members, the amendment that I'm proposing is technical in nature.    Senator Hudkins happened to have a bill, and it's on Final Reading, and she had the same language in her bill that's in my bill.    So as you can see, there's no need for it to be in the statutes twice.    So this simply removes...strikes Section 30, and on page 27, line 23, strikes 60-3,131.    Then it renumbers the remaining sections accordingly.    So it's...you heard the amendment. That's all there is to it, technical in nature.    I appreciate the support.    Thank you.

PRESIDENT SHEEHY:    Thank you, Senator Cudaback.    The floor is now open for discussion on AM2522.    Seeing none, Senator Cudaback,...Senator Cudaback waives closing.    The question before the body is, shall AM2522 be adopted to LB 663?    All those in favor vote yea; opposed, nay.    Have all voted who wish? Please record, Mr. Clerk.

CLERK:            26 ayes,    0 nays,    on adoption of Senator Cudaback's amendment.

PRESIDENT SHEEHY:    AM2522 is adopted.    Next item, Mr. Clerk.

CLERK:            Mr. President, Senator Chambers would move to amend with FA517.    (Legislative Journal page 839.)



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PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA517.

SENATOR CHAMBERS: Thank you. Mr. President, in order to facilitate the movement of this bill by quickly adopting my amendments, I want to ask Senator Cudaback a question.

SENATOR CUDABACK: Yes.

SENATOR CHAMBERS: Senator Cudaback, do you have any objection to any of these amendments of mine which you've had a chance to review?

SENATOR CUDABACK: I do not. They're all constructive, Senator.

SENATOR CHAMBERS: And had I been aware of that, or all of these, they could have actually been put in one amendment and offered, and you would have agreed to just accept them, correct?

SENATOR CUDABACK: Absolutely.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I'm not going to spend any time explaining these amendments, because Senator Cudaback and I have looked at them, Senator Baker is aware of them. So I'm just going to move the adoption of an amendment, and then if you have a question, I will answer it. So I am moving that we adopt FA517, and I will have no closing. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Chambers. The floor is now open for discussion on FA517. Senator Chambers has waived closing. The question before the body is, shall FA517 be adopted to LB 663? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 26 ayes, 0 nays on adoption of Senator Chambers' amendment.

PRESIDENT SHEEHY: FA517 is adopted. Next item, Mr. Clerk.

CLERK: Senator Chambers offers FA518. (Legislative Journal

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page 839.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA518.

SENATOR CHAMBERS: Thank you. Mr. President, in case anybody looked at this particular amendment--and Senator Cudaback agrees--it simply rearranges, or repositions, relocates some language so that it is more logically placed. And I'm asking that it be adopted. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Chambers. You've heard the opening on FA518. The floor is now open for discussion. No request to speak. Senator Chambers. Senator Chambers waives closing. The question before the body is, shall FA518 be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the amendment.

PRESIDENT SHEEHY: FA518 is adopted. Next item, Mr. Clerk.

CLERK: Senator Chambers would offer FA519. (Legislative Journal page 839.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA519.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, in two places, the word "may" is stricken and the word "shall" is inserted, because it's relating to certain activities which are prohibited to be done. So since it's a prohibition, the word "may" should not be there, but rather "shall." That's the amendment. Senator Cudaback agrees. And I'm asking that it be adopted.

PRESIDENT SHEEHY: Thank you, Senator Chambers. You've heard the opening on FA519. The floor is now open for discussion. No request to speak. Senator Chambers, you're recognized to close. Senator Chambers waives closing. The question before the body is, shall FA519 be adopted to LB 663? All those in favor vote

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yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of the amendment.

PRESIDENT SHEEHY: FA519 is adopted. Next item, Mr. Clerk.

CLERK: Senator Chambers has FA520. Senator, I have a note you want to withdraw FA520 and offer FA523? (Legislative Journal page 867.)

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on substitute floor amendment...any...no objections? So ordered. Senator Chambers, you're recognized to open on FA523.

SENATOR CHAMBERS: Thank you. And Mr. President, members of the Legislature, not only am I collegial, but sometimes I'm willing to do heavy lifting for my colleagues. So when you vote in favor of this amendment, you will also be voting in favor of AM2559 of Senator Baker, AM2571 of Senator Beutler, FA530 of Senator Beutler, and FA531 of Senator Beutler. And we're going to take all of those in one vote. Thank you, Mr. President.

PRFSIDENT SHEEHY: Thank you, Senator Chambers. You've heard the opening on FA523. The floor is now open for discussion. Senator Chambers, you're recognized to close.

SENATOR CHAMBERS: Mr. President, members of the Legislature, if nobody objected to what I suggested, does that mean we're voting on all these at this time?

PRESIDENT SHEEHY: We're considering FA523.

SENATOR CHAMBERS: And not the others?

PRESIDENT SHEEHY: You are correct.

SENATOR CHAMBERS: Thank you. Then I will ask that this amendment which is before us be adopted. Thank you, Mr. President.

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PRESIDENT SHEEHY: Thank you, Senator Chambers. The question before the body is, shall FA523 be adopted? All those in favor vote yea; opposed, nay. Please record...or, have all voted who wish? Please record, Mr. Clerk.

CLERK: 26 ayes, 0 nays on adoption of the amendment, Mr. President.

PRESIDENT SHEEHY: FA523 is adopted. Next item, Mr. Clerk.

CLERK: Senator Baker would move to amend, AM2559. (Legislative Journal pages 867-871.)

PRESIDENT SHEEHY: Senator Baker, you're recognized to open on AM2559.

SENATOR BAKER: Thank you, Mr. President and members. AM2559 is LB 1215. It is some new subject matter to Senator Cudaback's bill. I talked to Senator Cudaback. We have no problems here. It's dealing with titled manufactured homes. And this is an area that not many people work with, but we're getting more and more manufactured homes. And this would include trailer homes also, but we're...the problem has arisen through manufactured homes. They are now required to have a title, like a vehicle, because they are transported to their sites by wheels. And the bill, LB 1215, had...it came out of committee with no opposition votes. It was 8 to 0. It's an issue that I think Senator Beutler has much more expertise in than I. But it's been a problem in that manufactured homes have been located upon, obviously, real estate, and the liens are filed then against the title. It does not show up against the real estate. So what we have done with LB 1215, now AM2559, is provide a mechanism where that person owning that modular...or, that manufactured home can file an affidavit of fixture with the county clerk. The affidavit of fixture then is the first step in surrendering the title. And once the title is surrendered through this process within AM2559, that manufactured home then becomes part of the real estate. And the reason this is so important is, then, the lienholders and so on, they do have notice and so on filed with the register of deeds and liens and so on. Now, what happens if

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they want to move this manufactured home off the site? Then they have to reverse the process. They have to file an affidavit of detachment. And this is all, of course, coordinated with the Department of Motor Vehicles, which is the title agency of the state. The department then issues another title, and the house...the modular home, or trailer house, you'd call it, but mostly manufactured homes is what we're dealing with here, then has a title and can be moved, and the process could repeated...be repeated. Senator Beutler has an amendment. I am glad he caught this. It does clarify some things. But that, in a nutshell...the amendment is, obviously, a lot of new language, but it's the requirements and the process to go about filing an affidavit of fixture, and what has to be on that, and then be in that affidavit of fixture, and then the rest of the bill is dealing with the reverse process, if you'd want to move the manufactured home off. I'd be glad to answer any questions. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Baker. You've heard the opening on AM2559. Senator Wehrbein. Senator Wehrbein passes. Senator Brown.

SENATOR BROWN: Mr. President, members, this, to me, is a very important amendment to Senator Cudaback's bill. I hope that we do it. I hope we do it very quickly. I was actually appalled when I found out that there are people who may not really own the property that they think that they own, and that we had resistance from some of our officials in this state in remedying that situation, even though I think it's something that we absolutely have to remedy. And so I hope that we will move very quickly on adopting this amendment. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Brown. Mr. Clerk, you have an item at the desk?

CLERK: Mr. President, the first amendment to the Baker amendment is FA530 by Senator Beutler.

PRESIDENT SHEEHY: Senator Beutler, you're recognized to open on your amendment, FA530.

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SENATOR BEUTLER: Mr. Lieutenant Governor, I'd withdraw that amendment.

PRESIDENT SHEEHY: The amendment has been withdrawn. Item at the desk, Mr. Clerk?

CLERK: Senator Beutler would move to amend with AM...with FA531.

PRESIDENT SHEEHY: Senator Beutler, you're recognized to open on FA531, amendment to AM2559.

SENATOR BEUTLER: I would withdraw that amendment also, Mr. Lieutenant Governor.

PRESIDENT SHEEHY: FA531 is withdrawn.

CLERK: Senator Beutler would move to amend with a copy of an amendment that's on the members' desk. It characterizes an amendment to AM2559. Copies have been distributed, Mr. President. (AM2577, Legislative Journal page 871.)

PRESIDENT SHEEHY: Senator Beutler, you're recognized to open.

SENATOR BEUTLER: Mr. Lieutenant Governor, members of the Legislature, Senator Baker's staff, working with some of the outside interests who have a direct interest in this bill, have worked out some language here that I think better suits the problem that I was trying to address in the two amendments that I just withdrew. And basically, we're dealing with a couple of new kinds of documents here that essentially transform personal property to real property, which is a tricky kind of transition. But basically, all that this amendment does is to make clear that when you're looking at a piece of personal property, such as a mobile home, and you're looking at a piece of real estate, which is real...a lot, is real property, that when you're making these transfers, that you identify all of the owners of both the mobile home and of the real estate, so that somebody doesn't inadvertently lose part of their interest in the personal property by virtue of it having been transformed into real estate and then subsequently sold to somebody before the owner

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or a part-owner of a mobile home even knew that it had happened. So I think the amendment corrects that defect in the transfer process by requiring additional information in the affidavit, and by changing some of the language to indicate that not just one owner can do it, but all of the owners have to be involved. All of the owners, both of the real estate and of the mobile home, have to be involved in the transformation of the title from mobile home to real estate, and back the other way. That's real complicated, because you haven't gotten a long explanation of the entire amendment. But I think everybody is in agreement that this makes it work a lot better. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Beutler. You've heard the Beutler amendment to AM2559. The floor is now open for discussion. Senator Jensen.

SENATOR JENSEN: Thank you, Mr. President and members of the Legislature. Senator Beutler, would you reply to a question?

PRESIDENT SHEEHY: Senator Beutler, would you yield?

SENATOR BEUTLER: I will try to.

SENATOR JENSEN: Thank you. Well, along with this, you have a title. Does this change in any way the real estate taxes, and is this...it's still...it's going to be titled...or, taxed as real estate, not as a vehicle. Is that correct?

SENATOR BEUTLER: There...you know, I probably should refer that to Senator Baker, because I think he's done the background work on that. There's a complicated set of circumstances by which you determine, I think, whether it's taxed as personal property or real estate. Affixing it to the real property is usually, I think, the key element of that determination. But what we're talking about here is...

SENATOR JENSEN: Is this where you have to take the wheels off in order for that to happen? I don't know.

SENATOR BEUTLER: Yes. In fact, in the bill there's a description of that someplace.

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SENATOR JENSEN: Okay.

SENATOR BEUTLER: But I would refer you to Senator Baker for that.

SENATOR JENSEN: Thank you. Would Senator Baker reply, please?

PRESIDENT SHEEHY: Senator Baker, would you yield?

SENATOR BAKER: Yes, I would be glad to. Anticipating the questions, yes, in Section 7 on page 6 of the amendment it requires that the...to be affixed to the real estate, the wheels, towing hitches, and running gear are removed, and it be permanently attached to a foundation. In answer to your other question, this does eliminate the questionable practice of taxing those as personal property when they had a title. Now they become part of the real estate, which is what should have been done years ago.

SENATOR JENSEN: Right. And so it will be taxed as real estate?

SENATOR BAKER: As real estate, that's correct.

SENATOR JENSEN: Thank you. That answered my question. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Jensen. Senator Engel.

SENATOR ENGEL: Mr. Lieutenant Governor, I'd like to ask Senator Baker a question, too. Now, if you have this double-wide mobile home on a foundation--and I know it becomes part of the real estate--now, do you have a title or do you have a deed then?

PRESIDENT SHEEHY: Senator Baker.

SENATOR BAKER: Thank you. Senator Engel, when you buy that, you have a title, because it's a manufactured home, going down the road. You have a title.

SENATOR ENGEL: Right.



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SENATOR BAKER: And then you have this process where you surrender the title, and it goes on the tax rolls as real estate. It's called an affidavit of affixment, and you have to have the wheels and hitches and things off of it. And it's generally a manufactured home going to be doing this. I think they make them in Aurora. I know there's a factory out in Stratton. More and more of these homes are manufactured and have titles on them, which makes no sense. They still, though, have a title on them until they get to their permanent spot of affixture, and then they become real estate. You surrender that title to the county clerk.

SENATOR ENGEL: So when you surrender the title, then it's on...it's a permanent fixture then on a real estate, then is it considered a...so you'll have a deed to real estate then? You don't...

SENATOR BAKER: It would become part of the property, the real property, yes.

SENATOR ENGEL: So the title is gone. Okay.

SENATOR BAKER: Yes. The title is surrendered.

SENATOR ENGEL: Okay. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Engel. Senator Janssen.

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor. If I could ask Senator Baker a question or two?

PRESIDENT SHEEHY: Senator Baker, would you yield?

SENATOR BAKER: Yes.

SENATOR JANSSEN: Senator Baker, now, we're talking about mobile homes. What about the prefabricated homes who are the same width as a trailer, and they are moved from the manufacturer to a foundation out...

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SENATOR BAKER: We are talking about manufactured homes in the bill. That is specifically stated in the bill, manufactured homes.

SENATOR JANSSEN: Okay.

SENATOR BAKER: They're...you could call them double-wides, but they're put together once they get on site.

SENATOR JANSSEN: That's correct.

SENATOR BAKER: Those are called manufactured homes, permanently affixed to the land, and that's what the bill is addressing.

SENATOR JANSSEN: Oh, so they are addressed in the bill?

SENATOR BAKER: Yes, they are.

SENATOR JANSSEN: Thank you. That's all the questions I have.

PRESIDENT SHEEHY: Thank you, Senator Janssen. Further discussion from the floor? Senator Beutler, you're recognized to close.

SENATOR BEUTLER: I hope all the questions were answered satisfactorily. This is only going to a part of the amendment, of course, and simply clarifies a situation where you may have more than one owner of either the mobile home or the piece of land or lot involved in the transfer. And with that, I'd recommend the amendment.

PRESIDENT SHEEHY: You've heard the closing on AM2577 to AM2559. The question before the body is, shall AM2577 be adopted? All in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Beutler's amendment to the Baker amendment.

PRESIDENT SHEEHY: AM2577 is adopted.

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CLERK: I have nothing further pending to Senator Baker's amendment, Mr. President.

PRESIDENT SHEEHY: Further discussion on AM2559? Seeing none, Senator Baker, you're recognized to close.

SENATOR BAKER: Very briefly, Mr. President. Thank you. AM2559 does, as we've visited, creates a mechanism to surrender the title, get the manufactured homes as part of the real estate, clarifies a lot of misunderstanding and problems with liens and lienholders. I would ask for adoption of AM2559. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Baker. You've heard the closing on AM2559. The question before the body is, shall it be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Baker's amendment.

PRESIDENT SHEEHY: AM2559 is adopted.

CLERK: Senator Beutler would move to amend, AM2571. (Legislative Journal pages 871-872.)

PRESIDENT SHEEHY: Senator Beutler, you're recognized to open on AM2571.

SENATOR BEUTLER: Mr. Lieutenant Governor, members of the Legislature, you may recall that this bill is primarily about historical vehicles and processes by which clubs and individuals in those clubs can come forward to the Department of Motor Vehicles and go through processes that will qualify the cars for certain kinds of privileges relating mostly to license plates. The process is a very informal one. It doesn't, for example, require that any of these clubs actually be nonprofit corporations. They can be organizations of different types, as long as they have some kind of a set of bylaws and are a certain size. And they can file these things with the Department of Motor Vehicles. It may be sometime down the pike there are going to be some problems that relate to that. But basically, I

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think what Senator Cudaback is trying to do is to facilitate a situation as it should be facilitated, without getting too complicated, trying to keep it a simple and casual process. Along those lines then, this amendment simply tightens some things up. It makes clear and goes along the line that Senator Cudaback has recommended by not formalizing some of the requirements on the side of the department. For example, determinations, this amendment would say that a determination by the department with respect to whether an individual is qualified to be a representative or whether a club was qualified, that these things are going to be final and nonappealable. We're not going to get involved in complicated appeal processes for this sort of thing. And a couple of "mays" and "shalls" were changed around. All of this is with the approval of Senator Cudaback and Senator Baker both. So I think there is...again, all they are, are, in a sense, technical amendments dealing with process, and I would recommend these changes to you.

PRESIDENT SHEEHY: Thank you, Senator Beutler. You've heard the opening on AM2571. The floor is now open for discussion. No request to speak. Senator, you're recognized to close. Senator Beutler waives closing. The question before the body is, shall AM2571 be adopted to LB 663? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the amendment.

PRESIDENT SHEEHY: LB...the amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT SHEEHY: Senator Flood.

SENATOR FLOOD: Mr. President, I move the advancement of LB 663 to E & R for engrossing.

PRESIDENT SHEEHY: The question before the body is, shall LB 663 advance for E & R engrossing? All in favor say aye. Opposed, nay. Motion carried. Items for the record, Mr. Clerk?

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                                  965, 986, 994, 1018, 1053, 1253

CLERK:     Mr. President, your Committee on Health reports LB 915 to General File with amendments. Agriculture Committee reports LB 986 to General File; LB 834, General File with amendments; LB 517, indefinitely postponed; LB 964, LB 1018, LB 1053, indefinitely postponed. Amendments to be printed: Senator Howard to LB 994; Senator Mines to LB 819; Senator Synowiecki to LB 489. Education Committee will have an Executive Session on Tuesday, March 7, at 8:00 in Room 2022; Education Committee, Tuesday, March 7, at 8:00 a.m. Name adds: Senator Combs would like to add her name to LB 773, LB 1253; Senator Fischer, LB 856; Senator Redfield, LB 965.            (Legislative Journal pages 872-878.)

A priority motion. Senator Stuhr would move to adjourn until Tuesday morning, March 7, at 10:00 a.m.

PRESIDENT SHEEHY: Thank you. The motion before the body is, shall you adjourn until Tuesday, March 7, 2006, at 10:00 a.m? All those in favor say yea. Opposed say nay. We are adjourned.

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